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CENTRAL GOVERNMENT OF INDIA

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप मे रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किये गये विधिक आदेश और अधिसूचनाएं

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION OF INDIA

New Delhi, the 2nd August 1969

S.O. 3217.—In pursuance of section 106 of the Representation of the People Act, 1951 the Election Commission hereby publishes the Order pronounced on the 23rd April, 1969, by the High Court of Judicature at Allahabad, in Election Petition No. 29 of 1967.

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL SIDE

ORIGINAL JURISDICTION

Dated Allahabad the 23rd April, 1969

PRESENT:

The Hon'ble D. S. Mathur.....Judge.

ELECTION PETITION NO. 29 OF 1967

Election Petition No. 29 of 1967, in respect of 77, Khurja (Reserved) Parliamentary Constituency, District Bulandshahr, U.P.

Kanhaiya Lal Balmiki—*Petitioner.*

Versus

Ram Charan and others—*Respondents.*

By the Court

Election Petition No. 29 of 1967

Hon'ble Mathur, J.

This is an Election Petition under Section 81 of the Representation of the People Act, by Kanhaiya Lal Balmiki for a declaratiqn that the election of Ram Charan, respondent No. 1, is void and also for a declaration that the petitioner was duly elected Member of 77-Khurja (Reserved) Parliamentary Constituency of Uttar Pradesh.

The general election for the Parliamentary Constituency No. 77 Khurja (Reserved) took place on 15th, 17th and 19th of February, 1967. The Parliamentary Constituency comprised of five Assembly Constituencies Nos. 381 Jewar (Reserved), 382 Khurja, 383 Chhatari (Reserved), 389 Sikandarabad and 390 Dadari. Voting took place in the Sikandarabad and Khurja Constituencies on the 15th February, 1967, in Jewar and Chhatari Constituencies on the 17th February, 1967, and Dadari Constituency on 19th February, 1967. The counting of votes was done from 22nd to 24th of February, 1967, and the result of the election was declared at 9-30 P.M. of the 24th. The petitioner and also the four respondents, Ram Charan, Ram Swarup, Lakshmi Chand and Sobha Singh, were contesting candidates in the said election. The petitioner was a candidate of the Congress Party, Ram Charan of the Praja Socialist Party, Ram Swarup Arya of the Jan Sangh, Lakshmi Chand of the Re-Publican Party and Sobha Singh stook as an Independent candidate.

The electoral rolls showed the names of 5,03,542 as persons entitled to vote from these constituencies. The votes actually polled were 2,81,142. Respondent No. 1 secured 86.416 votes and the petitioner 85,399 votes; and the other three candidates secured 45.840, 37,925 and 11,631 votes respectively. 13,931 votes were declared invalid. Respondent No. 1 having secured 1,017 more votes than the petitioner was declared duly elected.

The election of respondent No. 1 is challenged on many grounds; in fact it is pleaded that if there was proper counting and no corrupt practice had been played, the petitioner would have been successful in the election. It is pleaded that the Returning Officer wrongly rejected under Rule 56(2)(b) and (d) of the Election Rules, 1961, valid ballot papers cast in favour of the petitioner, improperly counted a large number of invalid votes in favour of Ram Charan, respondent No. 1 which should have been rejected under Rule 56(b)(c) and (d) of the Election Rules, 1961, and that the result of the election had been materially affected by the improper reception of invalid votes and rejection of the valid votes of the petitioner and by the non-compliance of the provisions of the Constitution, the Representation of the People Act and the Rules made thereunder. It is said that, in fact, the petitioner had polled more votes than any of the other respondents and ought to have been declared elected from the above constituency. It is also pleaded that the Returning Officer had not made adequate arrangements for the security of the ballot papers with the result that ballot papers of the Assembly and Parliamentary Constituencies were thrown on tables in great disarray and sorting was done hurriedly with the result that the Parliamentary votes were mixed up with the Assembly ones and all such ballot papers could not be separated, that the ballot papers recovered from the ballot boxes did not tally with the ballot paper account maintained by the Presiding Officers of the various polling stations and many ballot papers were lost or misplaced during the counting, all the more, on 24th February 1967 when the ballot papers of Chhatari Constituency were counted, on account of a strong wind blowing which had dislodged the ballot papers placed on the tables, that the statement in Form No. 20 was prepared fictitiously without showing the correct number of the missing ballot papers, that from inspection it appears that 271 ballot papers remained unaccounted for, though the petitioner's case is that the number of unaccounted ballot papers would exceed one thousand, that the Returning Officer did not fill in Form No. 20 after the polling of each polling station and that Form No. 20 is full of cuttings and over-writings.

Before the declaration of the result the petitioner's counsel, Sri Kripa Shankar Garg, moved an application before the Returning Officer for the recounting of the votes on the ground that a large number of valid votes cast in favour of the petitioner had been rejected but the application was rejected. This was followed by another application for the recount of the votes on several grounds one of which was that on account of the strong wind blowing and no adequate arrangement for keeping the ballot papers having been made, mistakes had crept in the counting of

votes and a large number of ballot papers could not be counted. This application was also summarily rejected and thereafter the result of the election was announced.

The petitioner's case also is that eight persons, four of Jewar Assembly Constituency and four of Chhatari Assembly Constituency, were dead and some persons impersonated and cast votes for them and that another five persons were not present on the date of the poll at the polling stations and other persons wrongly cast vote for them. The names, though no other particulars, of these 13 persons are contained in paragraph 17A and 18 of the Election Petition. Another allegation made is that respondent No. 1, who is a Jatav by caste, and his agents with his consent, committed corrupt practices during the course of the election by compelling the *Jatav* community, a sect of the Hindus, to vote for him on the ground of his caste and community and to refrain from voting for the petitioner who was a *'Bhangi'* by caste. It is said that such an appeal prejudicially affected the election of the petitioner. It is further said that respondent No. 1 and his agents attempted to promote a feeling of enmity and hatred among the *Jatav* community and respondent No. 1 also appealed to the *Muslim* voters that as the petitioner was a *Bhangi* and was promoting and encouraging the rearing of pigs in the different villages which formed part of the Parliamentary Constituency they should not cast their votes in his favour. The details of the corrupt practices are detailed in the subsequent paragraph 19 of the Election Petition. Further details of the corrupt practices are also contained in paragraphs 21, 23 and 24 of the Election Petition. In view of the fact that issue No. 9 pertaining to the corrupt practices has not been pressed, it is not necessary to give the details of the alleged corrupt practices in this judgment.

Ram Charan, respondent No. 1 filed a written statement denying all the allegations made against him. It was originally pleaded that the counting of votes was fair and the allegations made to the contrary were incorrect. It was also pleaded that proper arrangements for the security of the ballot papers had been made and Form No. 20 was properly prepared and that there was no strong wind on 24th February, 1967 as a result of which many ballot papers were blown off. However, after the initial inspection many allegations were made as if there was no proper counting and there were cuttings in Form's Nos. 16 and 20. Respondent No. 1 also pleaded that the Election Petition was not properly presented as required under Section 81(3) of the Representation of the People Act, in as much as every copy of the Election Petition was not duly attested and signed by the petitioner as is obvious by the copy, received by respondent No. 1. It was thus said that the Election Petition was liable to dismissal under section 98 of the Representation of the People Act. It was further pleaded in paragraph 38 of the written statement that in case the petitioner was allowed to inspect the election papers including the used ballot papers, respondent No. 1 may also be permitted to inspect the same and to submit a list of ballot papers which could be counted in his favour and which could be rejected from the bundles counted in favour of the petitioner. In paragraphs 34 and 37 of the written statement it was mentioned that respondent No. 1 was filing a recrimination petition after complying with the requirements of the Representation of the People Act and the Rules framed thereunder and that the petition of recrimination was being filed as a measure of caution. In paragraph 32 of the written statement it was alleged that the petitioner was himself guilty of committing corrupt practices by way of creating hatred in Balmiki community against the respondent No. 1 and on account of this systematic communal appeal respondent No. 1 did not get votes of Balmiki community. The allegation so made was vague and, further, no such allegation was made in the recrimination. Hence, this allegation of corrupt practice was excluded from consideration.

Respondents Nos. 2 to 4 filed separate written statements challenging the allegations made by the petitioner but they did not put in appearance at a subsequent stage.

In the recrimination petition filed by respondent No. 1 separately, similar grounds were raised. It was originally mentioned that the counting of the aforesaid constituency was conducted according to the provisions of law and due care and caution was observed by the Returning Officer at the time of counting, and that the ballot papers were correctly counted and the invalid ballot papers were rightly rejected, and the counting was free and fair to all concerned. Later it was said that if the petitioner was allowed to inspect the election papers including the used ballot papers, the respondent No. 1 may also be permitted to inspect the same and to submit a list of ballot papers which could be counted in his favour and which could be rejected from the bundles counted in favour of the petitioner. An objection was also raised to the petitioner having inspected.

Form No, 20 without any order of the Election Tribunal. Respondent No. 1 also deposited Rs. 2,000/- by way of security.

The petitioner has filed a written statement to the recrimination which is similar to the Election Petition.

The following issues were framed by me:—

Issues

1. Were invalid votes, votes which should have been rejected under rule 56(c) of the Conduct of Election Rules, 1961, wrongly counted for respondent No. 1?
2. Has there been mixing up of Parliamentary and Assembly votes?
3. Had some ballot papers remained unaccounted for, *i.e.* not counted for any of the candidates?
4. Does Form No. 20 give the correct number of the votes received by the candidates?
5. Were a large number of ballot papers rejected in the absence of the petitioner or his agent without being afforded an opportunity to inspect them?
6. Were the persons detailed in para 17A of the Election Petition dead at the time of the poll and did other persons cast votes for the respondent?
7. Were the persons detailed in para 18 of the Election Petition not present at the time of the poll and faked persons had personated for them?
8. Has the result of the election been materially affected?
9. Did respondent No. 1 and his agents, with his consent, commit the corrupt practice by appealing, as alleged, to the Jatavas and Muslims to refrain from casting votes for the petitioner on the ground that the petitioner was a sweeper and was promoting and encouraging the rearing of pigs?
10. Was the Election Petition not presented and not duly attested as required under Sections 81 and 83 of the Representation of the People Act?
11. To what relief is the petitioner entitled.

Findings

Before making comments on the various issues, it shall be proper to give herein-below the history, in brief, to indicate the orders passed by the Court with regard to inspection of ballot papers The petitioner throughout prayed for a recount of votes but at the initial stage this was not allowed and under Court's order dated 13th May, 1968, the petitioner was permitted to inspect only such ballot papers with regard to which allegations had been made in the petition, may not be in detail but giving the nature of the allegation. But where the allegation made was a vague one, it was disregarded and no inspection of ballot papers pertaining to such vague allegations, was allowed. It was made clear in this order that even though inspection was being allowed to give particulars of the ballot papers, the validity of which was being challenged, but no inspection could be granted by way of a roving enquiry to collect evidence to have the election of the returned candidate set aside. It was also made clear in this order that even though the counting agents were not in a position to note down the numbers of ballot papers pertaining to the objections raised, they could; during the course of counting, note the nature of mistakes or irregularities committed by the counting clerks. It was for this reason that inspection was allowed only to the extent some particulars of the irregularities were given the petition.

The petitioner was then permitted to inspect the valid ballot papers of respondent No. 1 to find out if on any ballot paper the mark or seal had been placed against more than one candidate; and to check if any Assembly ballot paper had been counted and if so for whom. Mere counting of all kinds of ballot papers was also allowed to determine the number of unaccounted for or missing ballot papers and also to inspect the serial numbers of ballot papers, if Form No. 16 showed some discrepancy.

It shall thus be found that under Court's order dated 13th May, 1968; a very restricted inspection was granted to the petitioner.

After the petitioner had made an inspection in pursuance of the above order of the Court the request for the recount of votes was again pressed. Respondent No. 1 opposed the request for recount but was agreeable to the inspection being granted under the supervision of the Additional Registrar of all the ballot papers. It was in pursuance of the joint statement of the petitioner and respondent No. 1, that inspection was allowed which to a large extent amounts to the recount and rescrutiny of the ballot papers. What was permitted was to check up the bundles of all the candidates to find out if the votes cast for the petitioner or for respondent No. 1 had been placed in a wrong bundle. Thereafter, votes cast for the petitioner and respondent No. 1, whether placed in the bundles of valid or rejected ballot papers, could be inspected by the parties, under the supervision of the Additional Registrar. Undisputed ballot papers, that is, ballot papers which, according to the parties, were to be accepted as valid or to be rejected, were to be treated as valid or invalid votes without necessitating any further order of the Court. If the parties jointly regarded any ballot paper of the petitioner or of respondent No. 1, placed in the bundle of rejected votes, to be a valid for either of them, it was taken out of the rejected ballot papers and treated as a valid vote for that party. Similarly, if any vote cast for the petitioner or for respondent No. 1 was admittedly invalid, it was not to be counted for him and was to be placed with the rejected ballot papers.

Whenever there existed a dispute between the parties, the disputed ballot papers were placed before the court for orders and the Court passed orders at the end of the day or on a subsequent day as was possible or was convenient to the parties. On the first two days the number of the disputed ballot papers was sufficiently high but when the parties became aware of the view of the Court, the disputes lessened. But it was at the end of the inspection that the disputes flared up on account of the difference in the votes cast for the petitioner and respondent No. 1 being narrow. However, the Court passed orders on all the disputed ballot papers. Consequently, the chart prepared by the Additional Registrar shows the disputed ballot papers and also how many of these were to be treated as valid votes for the parties and how many were to be treated as rejected ballot papers.

The difference between such an inspection and complete recount and rescrutiny of all the votes, is simply that the ballot papers of the other three candidates have not been scrutinised nor were they counted. The scrutiny of ballot papers recording votes for candidates, other than the petitioners and respondent No. 1, could not be of any help to these two parties. Hence, the non-scrutiny of the ballot papers of the other three candidates, could not affect the rights of the petitioner and respondent No. 1. In fact, in declaring the result of the election void or in declaring the petitioner to be duly elected, the rescrutiny of the ballot papers of the other three candidates, was not at all necessary. The effect of not counting the ballot papers of the other candidates merely is that the exact number of the missing ballot papers can not be determined.

The Court would have ordered the recount of all the ballot papers of the three candidates other than the petitioner and respondent No. 1, if it were necessary for the decision of the petition.

It was at the stage of the argument, when the petitioner submitted a list of missing ballot papers, that the Court considered it necessary to have the ballot papers of a few polling stations of the above three candidates also counted, to find out if the missing ballot papers are only a few, or are at some of the polling stations so high as contained in the list submitted by the petitioner. Such counting of the ballot papers of the other three candidates was done in respect of six polling stations. Such counting was also done for the 7th polling station on the request of respondent No. 1. So there has been complete recount and re-scrutiny of all the ballot papers of seven polling stations; but with regard to the rest; where missing ballot papers are a few, only the votes cast for the petitioner and for respondent No. 1 have been verified, no attempt has been made to verify the figures of missing ballot papers as contained in the petitioner's list. For reasons which would be given later, the Court did not consider it necessary to determine the exact number of ballot papers found missing at these polling stations *i.e. polling stations where, according to the petitioner himself, very few ballot papers were missing.*

At this place it may also be observed that the learned advocate for the petitioner has, during the argument, raising two points, firstly, that respondent No. 1 had not given any notice of recrimination and secondly, that allegations made in the recrimination are vague and even if the recrimination is held to have been made within time, respondent No. 1 could not be permitted to inspect the ballot papers. On the first point, comments shall be made at a later stage. On the second it must be observed that the petitioner cannot be permitted to blow hot and cold at the same time, all the more, when it is now impossible to revert to the original position. After the final inspection, ballot papers were mixed up in the sense that it shall not be possible to restore the ballot papers in bundles as they were at the time they were received from the District Election Officer. Consequently, if the Court does not act upon the joint statement of the parties and it becomes necessary to view the matter too technically, *i.e.* to disallow inspection where allegations made are vague, it shall not be possible to restore the ballot papers to the original bundles as received from the District Election Office and hence it will not be possible for a party to make a fresh inspection and to give the particulars of ballot papers wrongly rejected or wrongly accepted as valid, nor will it be possible for the other party to verify the accuracy of the date if given. In the circumstances, the Court shall have no option except to reject the allegations concerning counting of votes, and thereby the petitioner shall be a loser.

When it is not possible to take a technical view of the inspection, the proper thing for this Court shall be to act upon the joint statement of the parties, that is to act on the result of the final inspection irrespective of whether allegations were or were not made and also whether the allegations made are vague or give sufficient particulars.

In the end, a reference may be made to an order passed by this Court, for the information of the Chief Election Commissioner, pointing out that pad-ink supplied at the polling stations was highly insufficient for their requirements, and also that the seals were not strong enough to be used by all the voters casting vote at the polling station. It appears that when the ink is exhausted or is about to be exhausted; Presiding Officers add water to the pad. The result is that the ink becomes very fluid and no clear mark can be placed on ballot papers. This creates difficulties in finding out whether the ink mark on the ballot papers is the mark of a seal or is due to ink dropping on the paper. Similarly, it appears that the rubber part of the seal gets detached easily and thereafter voters put the mark with the wooden part of the seal. This Court has made an attempt to ascertain the intention of the voter and to give effect to it; however it has resulted in waste of time of the Court. It is hoped that the Chief Election Commission shall take steps to remedy these difficulties this shall be in the interest of the electorate and shall also relieve the Returning Officers of a great headache. The Returning Officers have, unlike the Courts of Law, to complete the counting of votes within a restricted period. They even work from 10 A.M. to 10 P.M. If steps are taken to make it easier for the Returning Officers to discharge their duties, it will be in the interest of the electorate in that there would be a controversy in fewer cases and further, that will assist the Returning Officers in completing the counting of votes within the restricted period to the satisfaction of all the candidates. Once speed and efficiency is expected from the Returning Officers, it is but necessary that the Chief Election Commissioner should take all the steps necessary to ensure that the Returning Officers are in a position to complete the counting of votes within a short period.

Issues Nos. 2, 6, 7 *and* 9.

Not pressed and hence decided against the petitioner.

Issue No. 10.

Not pressed and hence decided against respondent No. 1.

Issues Nos. 1, 3, 4, *and* 5.

In view of the virtual recount of the votes, as already detailed above, all these issues have become infructuous, though, it does appear that some of the ballot papers have remained unaccounted for, that is, not counted for any of the candidates. It shall be found that at the time of the counting of votes by the Returning Officers a few ballot papers were missing. Now a greater number of ballot papers are missing. Consequently, in so far as Issue No. 3 is concerned, it can here be laid down that some ballot papers have remained unaccounted for. The issues are decided accordingly.

Issues Nos. 8 and 11.

These are, after a virtual recount of the votes and a complete rescrutiny of the ballot papers in so far as the petitioner and respondent No. 1 are concerned, the main issues in the cases while dealing with these issues the necessary data shall be given, along with reasons why it can be said that the result of the election has not been materially affected as a result of some of the ballot papers remaining unaccounted for or found to be missing.

In connection with these issues we can first of all consider whether respondent No. 1 did or did not give the required notice of leading evidence by way of recrimination.

Not only does the petition of recrimination bear the heading of recrimination petition, but in paragraphs 34 and 37 of the written statement it was mentioned that respondent No. 1 shall file a recrimination petition after complying with the requirements as provided by the Representation of the People Act and the Rules framed thereunder and that the petition for recrimination was being filed as a measure of caution. What can, therefore, be said is that no separate application was made giving the intimation to the Court that a petition of recrimination shall be filed. Such a notice was, however, given in paragraphs 34 and 37 of the written statement, if not in the recrimination petition itself.

Section 97 of the Representation of the People Act does not lay down the form in which the notice of the intention to give evidence by way of recrimination, shall be given. Section 97 merely provides that when in an election petition a declaration that any candidate other than the returned candidate has been duly elected is claimed, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented calling in question his election. A party has the right to lead such evidence only after he gives notice to the High Court of his intention to do so within fourteen days from the date of the commencement of the trial and also gives a security and the further security. Every such notice has to be accompanied by the statement and the particulars required by section 83 in the case of an election petition and shall be signed and varified in like manner. This provision has sometimes been taken by the parties to mean that there should not only be a recrimination petition but also a separate application giving notice as contemplated by the proviso to section 97. Section 97 nowhere lays down that a separate application shall be made. I see no difficulty in a party giving expression to the intention and thereby giving the stipulated notice in the petition of recrimination itself. In any case, in the instant case, the notice contemplated by the proviso to section 97 was given in paras 34 and 37 of the written statement also.

Most of the reported decisions brought to my notice merely speak of the notice. However, certain observations made in *Inamati Mallappa Basappa* V. *Desai Basavaraj Ayyappa and others*(1), suggest that no separate application or notice is necessary. The material observation is as below:—

> "This notice would be, in effect, a counter petition presented by the returned candidate or any other party to the petition accompanied by the statement and particulars required by S. 83 in the case of an election petition and would also be supported by the deposit of security and further security referred to in Ss. 117 and 118 of the Act.

Counter petition is nothing but the recrimination petition and hence the filing of a recrimination can be deemed to amount to the giving of the contemplated notice. In the instant case, however, the notice was given in paragraphs 34 and 37 of the written statement also.

Ravindra Nath V. *Raghbir Singh and another* (2) speaks of a formal notice of recrimination but in a later part it was made clear that "The notice of recrimination is thus in substance a counter petition calling in question the claim that the other candidate has been duly elected".

In the end it may also be observed that the validity of the recrimination had not been challenged by the petitioner in the written statement to the recrimination and no issue has been framed. The Court has, however, made its comments on the

(1) A.I.R 1958 S.C. 698
(2) A.I.R. 1968 S.C. 300

oral submissions made by the learned advocate for the petitioner so that it may be clear that a proper recrimination petition had been filed and it could be taken notice of.

In the above circumstances, respondent No. 1 could be permitted to challenge the validity of the votes counted for the petitioner and could also urge that some of his votes had been wrongly rejected.

As a result of the inspection of the ballot papers and the rescrutiny of the votes cast for the petitioner and respondent No. 1, the petitioner was losing by 83 votes but he received 65 more postal ballot votes. Respondent No. 1 has thus received 18 more votes than the petitioner.

The petitioner submitted a chart of missing or unaccounted for votes, paper 212A. The numbers of missing ballot papers at six polling stations were shown as 109, 19, 18, 49 and 53. At others it was mostly 1 or 2, and at only a few polling stations 3, 4, or 5. The Court, therefore, considered it necessary to check up the figures of the six polling stations, not only to find out the actual number of missing ballot papers but also to determine whose interest had been adversely affected by the missing ballot papers. The latter finding should determine whether, in so far as the returned candidate is concerned, the result of the election has or has not been materially affected. It may here be mentioned that the case falls under clause (d) (iii) of section 100(1) of the Representation of the People Act, and the result of the election cannot be declared void unless the result of the election has been materially affected.

The Additional Registrar was directed to prepare a detailed statement with regard to the six polling stations, and on the request of respondent No. 1 regarding polling station No. 381/60 also.

The petitioner mentioned in his statement of missing or unaccounted for votes, paper No. 212A, that 109 ballot papers of polling station No. 389/59 were missing. After counting all the ballot papers the Additional Registrar has reported that no ballot paper is missing.

With regard to polling station No. 389/112 the petitioner gave the figure of missing ballot papers at 19, but the Additional Registrar has found this figure to be only 9. No ballot paper of polling station No. 381/60 is found to be missing.

It is in respect of polling station Nos. 381/31, 381/52, 383/23 and 383/64 that the Additional Registrar has found that 17, 39, 51 and 52 ballot papers, respectively, are missing. The petitioner had given the figures for these polling stations as 18, 18, 49 and 53, respectively. It may here be mentioned that in Form No. 16 the Returning Officer had not shown any ballot paper to be missing except at polling station No. 383/64 where two ballot papers were said to be missing.

When the chart, paper No. 213A, prepared by the Additional Registrar, was scrutinised by the Court and it was found that respondent No. 1 and not the petitioner, had suffered adversely as a result of the missing ballot papers, the petitioner submitted another chart of ballot papers pertaining to the seven polling stations which were found in the bundles of other candidates. It shall, therefore, be proper to draw inferences from the chart, paper No. 213A, after taking into consideration the chart, paper No. 218A submitted by the petitioner.

At polling station No. 383/23 the Additional Registrar has reported that 51 ballot papers are missing. The Returning Officer did not report any ballot paper to be missing. The Additional Registrar has given the figures of votes received by the various candidates the petitioner got 118 votes, respondent No. 1, 233 and the other three candidates 37, 88 and 8, respectively. The total number of rejected ballot papers is 62. On the other hand, from Forms No. 16 and 20 it appears that the petitioner and the other three candidates had received the same votes as found by the Additional Registrar; but respondent No. 1 got 107 more votes (340 as against 233 shown by the Additional Registrar). The total number of rejected ballot papers went up from 6 to 62, *i.e.* by 56.

At this polling station (no. 383/23) no vote cast for the petitioner or for other candidates was included in the bundles of ballot papers of respondent No. 1. Hence it can be held that 56 votes counted for respondent No. 1 at the time of the counting of votes by the Returning Officer were rejected by the Court. Therefore the votes cast for respondent No. 1 at this polling station should have gone down by 56 and not 107. In other words, the 51 missing ballot papers at polling station No. 383/23 are those which had been cast for respondent No. 1 and not for the petitioner.

Regarding polling station No. 383/64 the Additional Registrar found that the petitioner got 223 votes, respondent No. 1, 160 the other three candidates 34, 28 and 2, respectively, and the number of rejected ballot papers is 49. He found that 52 ballot papers were missing. The Returning Officer had given the figure of missing ballot papers as '2'. In forms 16 and 20 the petitioner was shown to have received two less votes (i.e. 226), respondent No. 1 79 more votes (i.e. 239) and Laxmi Chand two less votes (i.e. 27). The number of the rejected ballot papers was 23. This figure has now gone up by 26 (i.e. to 49). According to the chart, paper No. 218A, one vote of Laxmi Chand and one vote of Sabha Singh were counted for respondent No. 1.

Assuming that the number of the petitioner's votes has gone up on account of two rejected ballot papers being counted for him, and the other mistakes are due to ballot papers being wrongly placed in the bundle of respondent No. 1. Even then the number of votes cast for respondent No. 1 could not go down by 79. This strongly suggests that most of the 52 missing ballot papers recorded votes for respondent No. 1.

Regarding polling station No. 381/52, it may simply be observed that the number of missing ballot papers is 39 and as a result of the rescrutiny the petitioner got five more votes, respondent No. 1 53 less votes, Laxmi Chand 18 less votes, and the number of the rejected ballot papers went up by 27. These figures do not lead us to any irresistable conclusion as in the case of the two polling stations already commented upon above; but it does appear that respondent No. 1 has lost more than he should have had the ballot papers not been missing.

Similarly, the figures of polling station No. 381/31 are not conclusive. Further, for this polling station the Additional Registrar reported that the missing ballot papers were only 17. At this polling station also respondent No. 1 is as much a loser as the petitioner, if not more, by the loss of ballot papers.

The figures of the seven polling stations can be summarised by laying down that at polling stations Nos. 383/23 and 383/64 respondent No. 1 appears to have lost 51+52 i.e. 103 votes, on account of the ballot papers being found to be missing. At polling stations Nos. 381/52 and 381/31 respondent No. 1 appears to have suffered more than the petitioner as a result of the missing ballot papers. No opinion can be expressed with regard to polling station No. 389/112, the missing ballot papers being only 9.

The ballot papers alleged by the petitioner to be missing at other polling stations are generally by 1 or 2, and sometimes 3 to 5.

During the course of the argument, the learned Advocate for the petitioner brought to my notice various figures given by him in his earlier applications for example, the number of rejected ballot papers which have now been declared valid and counted for him and also the number of other ballot papers rejected or accepted by this Court. This was to show that as a result of the missing ballot papers, the result of the election had been materially affected and the election of respondent No. 1 be declared void. This data would have been of importance if there was no recounting of the votes, or the question before the Court was whether there should be recounting of votes or inspection amounting to recounting of votes. When recounting has been done, final figures are before the Court and these figures shall determine the result of the petition.

Under Section 64A of the Representation of the people Act, the Election Commission can direct repoll at a polling station if some of the ballot papers thereof have been accidentally or intentionally destroyed or lost or are damaged or tampered with to such an extent that the result of the poll at that polling station or place, cannot be ascertained. The Returning Officer had found only a few ballot papers missing at a few polling stations; the number of missing ballot papers is so nominal that it could not affect the result of the poll. Hence it was not necessary for the Returning Officer to stay the declaration of the result and to report the matter to the Election Commission. There was thus no non-compliance of the provisions of section 64A.

On the ground of improper acceptence and rejection of votes and also wrong counting of votes, the result of election can be set aside only when the petitioner establishes that, in so far as respondent No. 1 is concerned, the result of the election has been materially affected. See *Vashist Narain Sharma* v. *Dev Chand and others*(3).

(3) 10 E.L.R. 30.

Even if the petitioner had adduced oral evidence or was permitted to adduce evidence by examining the votes, their statement, made during the trial, could not have determine what they would have done or had done at the time of the poll. Under the secrecy of poll a voter professing to vote for one candidate can cast his vote for another candidate. Further, a voter cast his vote according to his own ideas that time and not what he has now in mind. In the above circumstances, the question whether the result of the election has been materially affected has to be decided on the basis of the circumstances of the case and not the oral evidence of voters.

As already mentioned above, out of the six polling stations where, according to the petitioner, big number of ballot papers were missing, no ballot paper was found to be missing at one polling station and at two polling station respondent No. 1, and not the petitioner, appears to have lost above 103 votes on account of the ballot papers not being found at the time of inspection. At two other polling stations respondent No. 1 appears to have suffered a greater loss than the petitioner as a result of all the ballot papers not being available at the time of the inspection. Ballot papers missing at other polling stations are very few. It, therefore, appears to me that, on the whole, respondent No. 1 has suffered on account of ballot papers not being found at the time of the inspection. To put it differently the circumstances of the case make it clear that either the petitioner has not suffered on account of ballot papers being found to be missing or, in the alternative, be has failed to discharge the burden to prove that the result of the election was materially affected as a result of the missing ballot papers. In the circumstances, the election of respondent No. 1 cannot be declared void.

Both the issues are decided against the petitioner.

The Court would have passed orders on the amendment applications moved by the petitioner if it were found that he was leading as a result of the virtual recount of the ballot papers, or it appeared that the result of the election had been materially affected. When both these points go against the petitioner, the amendment of the Election Petition becomes unnecessary. Hence no order are being passed on the amendment applications which shall simply be filed. Similarly, the recording of oral evidence was not necessary. The election records have been duly considered and their synopsis is contained in the various statements on record and briefly referred to in this Judgment. How could anyone depose against the contents of document or against the statement prepared by the Additional Regitrar, the accuracy of which was not disputed by the parties. As observed in the aforementioned Supreme Court case, oral evidence as to the result of election being materially affected is of no avail. It was in these circumstances that no oral evidence was recorded with regard to the validity or invalidity of the ballot papers and the recount of the votes.

The application made for amendment and for the recording of evidence, shall be filed.

Respondent No. 1 had moved an application that there was tampering with the votes. No orders on this application also are necessary. This application and also the counter affidavit filed in that connection shall be filed.

ORDER

The Election Petition is hereby dismissed with costs which are assessed at Rs. 2000/-.

Sd./- D. S. MATHUR,
Judge.

April, 23, 1969.

J. 1.

[No 82/29 of 1967/UP/68 (ALLD).]

By Order,
A. N. SEN, Secy.

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 2nd August 1969

S.O. 3218.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Gauhati Bank Ltd., Gauhati in respect of the undernoted properties held by it, till the 31st March 1970.

1. 4B-OK-8L of land; Patta No. 40, Vill. Barpanara, Karara.
2. 4B-4K-11L of land; Patta Nos. 8, 77, 79, 82 and 88, Mauza-Khata.
3. 6B-4K-4L of land; Patta Nos. 260(216) and 13, Mauza-Sila Sundarighopa and Beltola.
4. 2B of land; Patta No. 88, Mauza-Bahjani.
5. 4B-17L of land; Patta No. 2, Barpeta Town.

[No. F. 15(9)-BC/69.]

New Delhi, the 6th August 1969

S.O. 3219.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declare that the provisions of section 9 of the said Act shall not apply to the Catholic Syrian Bank Ltd., Trichur, till the 1st August 1970, in respect of the immovable property held by it at Thoppumpady, Palluruthy, Cochin; Ernakulam District, Kerala State.

[No. F.15(10)-BC/69.]

K. YESURATNAM, Under Secy.

CORRIGENDUM

(Department of Economic Affairs)

New Delhi, the 5th August, 1969

S.O. 3220.—In the notification of the Government of India in the Ministry of Finance (Department of Economic Affairs) No. S.O. 2582 dated the 25th June, 1969, published on page 2707 of the Gazette of India, Part II Section 3 sub-section (ii) dated the 5th July, 1969, against "Ten Rupee" below the heading "Remedy allowed"

(i) delete the full stop after "fineness" and add the word "and" and

(ii) add the words "Plus or Minus" after the words "7/1000th in weight".

[No. F.1/27/69-Coin(ii).]

M. K. VENKATARAMAN, Under Secy.

(Department of Revenue and Insurance)

INCOME-TAX

New Delhi, the 31st July 1969

S.O. 3221.—In exercise of the powers conferred by sub clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby authorises:

(1) Shri A. M. David; and

(2) Shri P. D. Pisolkar

who are Gazetted Officers of the Central Government to exercise the powers of Tax Recovery Officers under the said Act.

2. This Notification shall come into force with effect from 1st August, 1969.

[No. 111 (No F. 16/139/69-ITCC).]

S.O. 3222.—In exercise of the powers conferred by Rule 4 of the Income-tax (Certificate Proceedings) Rules 1962, the Central Government hereby appoints the Commissioner of Income-tax, Poona as a Tax Recovery Commissioner.

2. This Notification shall come into force with effect from 1st August, 1969.

[No. 112 (No. F. 16/139/69-ITCC).]

R. D. SAXENA, Dy. Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

आयकर

नई दिल्ली, 24 जनवरी 1969

एस० ओ० 3223—आयकर अधिनियम 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों का और केन्द्रीय प्रत्यक्ष कर बोर्ड को उस निमित्त समर्थ करने वाली अन्य शक्तियों का प्रयोग करते हुए वह बोर्ड अपनी अधिसूचना सं० 128 (फा० सं० 50/113/68 आई० टी० जे०) तारीख 29-11-68 से संलग्न अनुसूची में एतद्द्वारा निम्नलिखित संशोधन करता है अर्थात्—

उक्त अनुसूची के स्तम्भ 3 के नीचे रेंज-1 और रेंज-2 लखनऊ के सामने निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात्—

क्रम सं०	नाम	आयकर सर्किल, वार्ड या जिला
4.	रेंज 1, लखनऊ	1. सर्किल 1, लखनऊ 2. सर्किल 2, लखनऊ जो 31-5-68 तक विद्यमान था । 3. लखनऊ । 4. लखीमपुर खीरी ।
5.	रेंज 2, लखनऊ	1. सर्किल 2, लखनऊ (जो 1-8-68 से सृजित किया गया था) 2. कम्पनी सर्किल, लखनऊ । 3. सेलरी सर्किल, लखनऊ । 4. विशेष सर्वेक्षण सर्किल, लखनऊ । 5. सम्पदा शुल्क एव आयकर सर्किल लखनऊ । 6. नारदोई । 7. प्रोजेक्ट सर्किल लखनऊ । 8. सीतापुर ।

यह अधिसूचना 24 जनवरी 1969 से प्रभावी होगी ।

[सं० 5 (फा० सं० 50/13/68-आई० टी० जे०]

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 24th January 1969

INCOME-TAX

S.O. 3224.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Incometax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf the Central Board of Direct Taxes hereby makes the following amendment in the schedule appended to its notification No. 128(FNo. 50/113/68-ITJ) dated 29th November 1968.

In the said Schedule against Range I and Rang II, Lucknow, under column 3, the following shall be substituted:—

S. No.	*Range*	*Incometax Circles, Ward or District.*
4.	Range I, Lucknow.	1. Circle I, Lucknow. 2. Circle II, Lucknow, which existed upto 31-5-68. 3. Lucknow. 4. Lakhimpur Kheri.
5.	Range II, Lucknow.	1. Circle II, Lucknow (created w.e.f. 1-8-68). 2. Companies Circle, Lucknow. 3. Salary Circle, Lucknow. 4. Special Survey Circle, Lucknow 5. Estate Duty-*Cum*-Incometax Circle, Lucknow. 6. Hardoi. 7. Project Circle, Lucknow. 8. Sitapur.

This Notification shall take effect from 24*th January* 1969.

Explanatory Note

The amendment has become necessary to confer on AAC Range I. Lucknow jurisdiction in respect of old appeals of Circle II, Lucknow which existed upto 31st May, 1968.

(The above note does not form part of the Notification but is intended to be merely clarificatory).

[No. 5 (F. No. 50/13/68-ITJ.]

New Delhi, the 3rd February 1969

S.O. 3225.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Incometax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby makes the following amendment in the Schedule appended to its Notification No. 72 (F. No. 50/6/68-ITJ) dated the 20th August, 1968, namely:

In the said Schedule against the following Ranges of the Appellate Assistant Commissioners of Incometax, the addition as noted against each shall be made under column 2:—

A-Range, Nagpur.	10. Incometax Officer, Assessment XI, Nagpur.
Gwalior Range, Gwalior.	11. Incometax Officer, C-Ward, Gwalior.
	12. Incometax Officer, C-Ward, Sagar.
Jabalpur Range, Jabalpur.	18. Incometax Officer, C-Ward, Katni.
Raipur Range, Raipur.	24. Incometax Officer, C.Ward, Bilaspur.

This Notification shall take effect from 3*rd February*, 1969.

Explanatory Note

The amendment has become necessary on account of the creation of new wards known as Assessment XI, Nagpur, C-Ward, Sagar, C-Ward, Katni; C-Ward; Gwalior and C-Ward, Bilaspur and to assign appellate jurisdiction to the newly created wards in the Commissioners' Charge.

(The above note does not form part of the Notification but is intended to be merely clarificatory.)

[No. 7 (F. No. 50/6/68-ITJ.]

नई दिल्ली, 3 फरवरी 1969

एस० ओ० 3226 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों का और केन्द्रीय प्रत्यक्ष कर बोर्ड को उस निमित्त समर्थ करने वाली अन्य शक्तियों का प्रयोग करते हुए, वह बोर्ड अपनी अधिसूचना सं० 72 (फा० सं० 50/6/68-आई० टी० जे०) तारीख 20 अगस्त, 1968 से संलग्न अनुसूची में एतद् द्वारा निम्नलिखित संशोधन करता है, अर्थात्—

उक्त अनुसूची में अपील आयकर सहायक आयुक्त के निम्नलिखित रेंजों के सामने स्तम्भ 2 के नीचे प्रत्येक रेंज के सामने निम्नलिखित बढ़ाया जाएगा :—

क—रेंज नागपुर	10. आयकर आफिसर, निर्धारण XI, नागपुर।
ग्वालियर रेंज, ग्वालियर	11. आयकर आफिसर, ग-वार्ड, ग्वालियर।
	12. आयकर आफिसर, ग-वार्ड, सागर।
जबलपुर रेंज, जबलपुर	18. आयकर आफिसर, ग-वार्ड, कटनी।
रायपुर रेंज, रायपुर	24. आयकर आफिसर, ग-वार्ड, बिलासपुर।

यह अधिसूचना 3 फरवरी, 1969 से प्रभावी होगी।

[सं० 7 (फा० सं० 50/6/68—आई० टी० जे०)]

New Delhi, the 21st February 1969

S.O. 3227.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Incometax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby makes the following amendment in the Schedule appended to its Notification No. 127 (F. No. 50/8/68-ITJ) dated 28th November 1968, namely:—

In the said Schedule against Central Range II, Bombay under column 2 the following shall be added, namely:—

2. Central Circle, Ahmedabad.

This Notification shall take effect from 1st *March*, 1969.

Explanatory Note

The amendment has become necessary on account of reallocation of work amongst the appellate ranges.

(The above note does not form part of the Notification but is intended to be merely clarificatory).

[No. 76 (F. No. 50/8/68-ITJ.)]

नई दिल्ली, 21 फरवरी 1969

एस० ओ० 3228 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों का और केन्द्रीय प्रत्यक्ष कर बोर्ड को उस निमित्त समर्थ करने वाली अन्य शक्तियों का प्रयोग करते हुए वह बोर्ड अपनी अधिसूचना सं० 127 (फा० सं० 50/8/68 आई०

टी० जे०) तारीख 28-11-1968 से संलग्न अनुसूची में एतद्द्वारा निम्नलिखित संशोधन करता है, अर्थात्—

उक्त अनुसूची के स्तम्भ 2 के नीचे केन्द्रीय रेंज-2, मुम्बई के सामने निम्नलिखित जोड़ा जाएगा, अर्थात्—

2. केन्द्रीय सर्किल, अहमदाबाद ।

यह अधिसूचना 1 मार्च से प्रभावी होगी ।

[सं० 76 (फा० सं०/50/8/68-आई० टी० जे०)]

S.O. 3229.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby makes the following amendment in the Schedule appended to its Notification No. 98 (F. No. 50/9/68-ITJ) dated 8th October 1968, namely:—

In the said Schedule against B-Range, Ahmedabad under column 2 the following shall be deleted, namely:—

4. Central Circle.

This Notification shall take effect from 1st *March*, 1969.

Explanatory Note

The amendment has become necessary on account of reallocation of work amongst the appellate ranges.

(The above note does not form part of the Notification but is intended to be merely clarificatory).

[No. 77 (F. No. 50/9/68-ITJ.]

एस० ओ० 3230.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों का और केन्द्रीय प्रत्यक्ष कर बोर्ड को उस निमित्त समर्थ करने वाली अन्य शक्तियों का प्रयोग करते हुए, यह बोर्ड अपनी अधिसूचना सं० 98 (फा० सं० 50/9/68-आई० टी० जे०) तारीख 8 अक्तूबर, 1968 से संलग्न अनुसूची में एतद्द्वारा निम्नलिखित संशोधन करता है, अर्थात्—

उक्त अनुसूची के स्तम्भ 2 के नीचे बी-रेन्ज, अहमदाबाद के सामने से निम्नलिखित निकाल दिया जाएगा, अर्थात्—

4. केन्द्रीय सर्किल ।

यह अधिसूचना 1 मार्च से प्रभावी होगी ।

[सं० 77 (फा० सं० 50/9/68-आई० टी० जे०)]

New Delhi, the 14th March 1969

S.O. 3231.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Incometax Act, 1961, (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes, hereby makes the following amendment in the Schedule appended to its Notification No. 93 (F. No. 50/17/68-ITJ) dated 5th October, 1968, namely:—

Against Nasik Range, Nasik under column 2 the following shall be added:—

19. Recovery Circle I, Thana.

20. Recovery Circle II, Thana.

Explanatory Note

The amendment has become necessary on account of creation of new Circles known as Recovery Circle I and II, Thana in the Commissioner's charge.

(This note does not form part of the Notification but is intended to be merely clarificatory).

[No. 17 (F.No. 50/49/69-ITJ.)]

नई दिल्ली, 14 मार्च 1969

एस० ओ० 3232.—आयकर अधिनियम 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों का और केन्द्रीय प्रत्यक्ष कर बोर्ड को उस निमित्त समर्थ करने वाली अन्य शक्तियों का प्रयोग करते हुए, वह बोर्ड अपनी अधिसूचना संख्या 93 (फा० सं० 50/17/68-आई० टी० जे०) तारीख 5 अक्तूबर, 1968 से संलग्न अनुसूची में एतद्द्वारा निम्नलिखित संशोधन करता है, अर्थात्—

स्तम्भ 2 के नीचे नासिक रेंज, नासिक के सामने निम्नलिखित जोड़ा जाएगा, अर्थात्—

19. रिकवरी सर्किल 1, थाना ।

20. रिकवरी सर्किल 2, थाना ।

[सं० 17 (फा० सं० 50/49/69-आई०टी०जे०)]

New Delhi, the 20th March 1969

S.O. 3233.—*In exercise of the powers conferred by Sub-section (1) of Section 122 of the Incometax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby makes the following amendment in the Schedule appended to its Notification No. 99 (F. No. 50/16/68-ITJ.) dated the 9th October, 1968, namely:—*

In the said Schedule against Dibrugarh Range, Dibrugarh, the following shall be substituted under column 2:—

1. Dibrugarh Circle.
2. Salary Circle, Dibrugarh.
3. Tinsukia Circle.
4. Digboi Circle.
5. Sibsagar Circle.
6. Golaghat Circle.

This Notification shall take effect from 20*th March*, 1969.

Explanatory Note

The amendment has become necessary on account of the creation of a new Circle known as Golaghat Circle.

(The above note does not form part of the Notification but is intended to be merely clarificatory).

[No. 20 (F.No. 50/48/69-ITJ.)]

नई दिल्ली, 20 मार्च 1969

एस० ओ० 3234.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों का और केन्द्रीय प्रत्यक्ष कर बोर्ड को उस निमित्त समर्थ करने वाली अन्य शक्तियों का प्रयोग करते हुए, यह बोर्ड अपनी अधिसूचना सं० 99 (फा० सं० 50/16/68-आई०

टी० जे०) तारीख 9 अक्तूबर 1968 से संलग्न अनुसूची में एतदद्वारा निम्नलिखित संशोधन करता है, अर्थात्---

उक्त अनुसूची के स्तम्भ 2 के नीचे डिबरुगढ़ रेंज डिबरुगढ़ के सामने निम्नलिखित प्रति-स्थापित किया जाएगा, अर्थात् —

1. डिबरुगढ़ सर्किल ।

2. सैलरी सर्किल डिबरुगढ़ ।

3. तिनसुकिया सर्किल ।

4. दिगबोई सर्किल ।

5. सिबसागर सर्किल ।

6. गोलाघाट सर्किल ।

यह अधिसूचना 20 मार्च, 1969 से प्रभावी होगी ।

[सं० 20 (फा० सं० 50/48/69/आई० टी० जे०]

New Delhi, the 24th March 1969

S.O. 3235.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Incometax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes, hereby makes following amendment in the schedule appended to its notification No. 115 (F.No. 50/15/68-ITJ.) dated 12th November, 1968, namely:—

Against Range I (Central) Calcutta, under column 2 the following shall be substituted:

Central Circles I, III, V, VII, X, XI, XIII, XIV, XVI, XVII, XX, XXII, XXIII, XXVII, XXIX, XXXI & XXXIII.

This notification shall take effect from 24th March, 1969.

Explanatory Note

The amendment has become necessary on account of creation of a new circle known as Central Circle XXXIII in the Commissioner's Charge.

(The above note does not form part of the notification but is intended to be merely clarificatory).

[No. 23 (F.No. 50/47/69-ITJ.).]

S. V. SUBBA RAO, Under Secy.

नई दिल्ली, 24 मार्च 1969

एस० ओ० 3236.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों का और केन्द्रीय प्रत्यक्ष कर बोर्ड को उस निमित्त समर्थ करने वाली अन्य शक्तियों का प्रयोग करते हुए वह बोर्ड अपनी अधिसूचना

सं० 115 फा० सं० 50/15/68 आई० टी० जे०) तारीख 12 नवम्बर, 1968 से संलग्न अनुसूची में एतद्द्वारा निम्नलिखित संशोधन करता है, अर्थात् —

स्तंभ 2 के नीचे रेंज 1 (केन्द्रीय) कलकत्ता के सामने निम्नलिखित प्रतिस्थापित किया जाएगा:—

केन्द्रीय सर्किल 1, 3, 5, 7, 10, 11, 13, 14, 16, 17, 20, 22, 23, 27 29 31 और 32।

यह अधिसूचना 24 मार्च, 1969 से प्रभावी होगी।

[सं० 23 (फा० सं० 50/47/69-आई० टी० जे०]

एस० वी० सुब्बाराव, अवर सचिव।

ESTATE DUTY

New Delhi, the 29th July 1969

S.O. 3237.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953) and in supersession of its notification No. 3/F. No. 21/12/68-E.D. dated the 3rd February, 1968 published as S.O. 675 in Part II, Section 3, Sub-section (ii) of the Gazette of India dated the 24th February, 1968, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty *cum* Income-tax Circle, Allahabad shall perform his functions as Assistant Controller in the said Circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to Income-tax, had they derived any taxable income in any Income-tax Circle, the headquarter of which lies within the revenue districts of Allahabad, Varanasi, Mirzapur, Faizabad, Gorakhpur, Azamgarh, Jaunpur, Basti and Ballia of the Uttar Pradesh State.

This notification shall be deemed to have come into force with effect from 1st May, 1969.

Explanatory Note

[This note does not form a part of the notification but is intended to be merely clarificatory.]

This notification has become necessary due to the creation of the Income-tax Circle Basti in the district of Basti.

[No. 25/F. No. 21/12/68-E.D.]

A. R. RAO, Under Secy.

INCOME TAX

New Delhi, the 30th July 1969

S.O. 3238.—In exercise of the powers conferred by sub-section (1) of section 121 of the Income-tax Act 1961 (43 of 1961), the Central Board of Direct Taxes, hereby makes the following amendments to the Schedule appended to its Notification No. 20(F. No. 55/1/62-IT) dated 30-4-63

published as S.O. 1293 on pages 1454-1457 of the Gazette of India Part II Section 3 Sub-section (ii) dated 11-5-63 as amended from time to time :—

Existing entires under columns (1), (2) and (3) against S.No. 7A shall be substituted by the following entries :—

Income-tax Commissioner	Headquarters	Jurisdiction
1	2	3
7-A Delhi (Central) .	New Delhi	1. Central Circles 1, to XIV at Delhi. 2. Central Circles I, II and III at Jaipur. 3. Central Circles I and II at Ludhiana. 4. Central Circles I, II and III at Amritsar. 5. Central Circle, Ambala. 6. Central Circle, Srinagar. 7. Central Circles I to IV at Meerut. 8. Central Circles III, IV and V at Kanpur.

This notification shall take effect from the 11th August, 1969.

[No. 107 (F. No. 55/276/69-IT (AI)]

L. N. GUPTA, Under Secy.

COLLECTORATE OF CUSTOMS AND CENTRAL EXCISE : COCHIN-3

CENTRAL EXCISES

Cochin, the 28th July 1969

S.O 3239 In exercise of the powers conferred on me under Rule 5 of the Central Excise Rules, 1944, I hereby empower the Central Excise Officers specified in column 3 of the Table, hereto annexed to exercise within their respective jurisdiction the powers of Collector of Central Excise under the provisions of the said Rules shown against each officer in column 2 of the Table subject to the restrictions and limitations set out in column 4, hereof.

TABLE

Sl. No.	Central Excise Rules	Rank of officers	Limitations, if any
1	2	3	4
1	94ZH (1) . .	All Officers of and above the rank of Superintendent of Central Excise.	First A.S.P. (Application) may be accepted by the officer not below the rank of Assistant Collector.
2	96ZH (2) . .	All Officers of and above the rank of Asst. Collectors.	—
3	96ZH (4) . .	All Officers of and above the rank of Superintendent of Central Excise.	(a) Power of accepting renewal application in form A.S.P. shall be exercised by Supdt. of Central Excise.

1	2	3	4
			(b)(i) Where delay in presenting the A.S.P. is not more than 10 days, the Supdt. of Central Excise shall excercise power of condoning the delay. (ii) Where delay in presenting the A.S.P. exceeds 10 days, Asst. Collector, Central Excise shall exercise the power.
4	96ZH (5) . .	All Officers of and above the rank of Asst. Collectors of Central Excise.	—
5	96ZI (4) . .	All Officers of and above the rank of Asst. Collector of Central Excise.	
6	96ZL(i) to (iii) .	Adjudicating Officers	To demand duty to confiscate good and to impose penalty in accordance with their limits of adjudication powers.

(Issued from file C. No. V (22C) 30/5/69 Cx. I)

[No. 5/69]

S. VENKATARAMAN,
Collector.

OFFICE OF THE DY. COLLECTOR, CENTRAL EXCISE AND LAND CUSTOM, JAIPUR

CORRIGENDA

Jaipur, the 2nd August 1969

S.O. 3240.—In Notification issued under this office endorsement C. No. V(4)30/1/Iqt/68/III-50-58 dated 2nd January 1969 in respect of Jodhpur Central Excise, Division the word "and" occuring in line 8 of the Notification is substituted by the word 'or'.

[C. No. V (4) 30/1/Int./69/14706]

S O. 3241.—In Notification issued under this office endorsement C. No. V(4)30/1/Int/68/III/23752-83 dated the 6th December, 1968 in respect of Ajmer Central Excise, Division, the word "and" occurring in line 8 of the Notification is substituted by the word "or".

[C. No. V (4) 30/1/Int/69/14736]

A. SHANKAR, Dy. Collector.

MINISTRY OF FOREIGN TRADE AND SUPPLY

(Office of the Jt. Chief Controller of Imports and Exports)

ORDER

Bombay, the 30th July 1969

The following licences were issued to M/s. Laxmi Dyes & Chemicals Industries, 14-D, Zaob Wadi, Thakurdwar, Bombay-2.

Sl. No.	Licence No and date	Value in Rs.	Description of goods
1	2	3	4
1	P/AU/1285819/27-12-67	8,443/-	Chemicals
2	P/AU/1284773/14-12-67	6,114/-	Do.

1	2	3	4
3	P/AU/1285776/19-12-67	11,672/-	Chemicals
4	P/AU/1285801/20-12-67	13,088/-	Do.
5	P/AU/1285818/27-12-67	14,888/-	Do.
6	P/AU/1284763/13-12-67	11,422/-	Do.
7	P/AU/1278905/20-11-67	33,411/-	Do.
8	P/AU/1284753/11-12-67	5,158/-	Do.
9	P/AU/1284762/13-12-67	13,138/-	Do.

2. The aforesaid licences were issued subject to the following condition:—

"The goods imported against the licence would be utilised in the licensees factory at the address shown in the application against which the licence is issued and no portion thereof will be utilised by the licensee for a unit/purpose other than the one for which the licence is issued or will be sold or permitted to be utilised by any other party."

3. Thereafter a show cause notice No. 1/20/68/EP/Enf/5887 dated 6th December, 1968 was issued to the said M/s. Laxmi Dyes & Chemical Industries, Bombay asking them to show cause within 15 days as to why the said licences issued in their favour should not be cancelled in terms of Clause 9, sub clause (a) of the Imports (Control) Order 1955 on the grounds that the licences in question were obtained by the said M/s. Laxmi Dyes & Chemical Industries, Bombay by misrepresenting to this office that they were engaged in the production of items required for the manufacture of E.I. Tanned Leather against the exports of which items the aforesaid licences were obtained by them.The firm was also not having a duly equipped manufacturing unit at the address mentioned in their applications to undertake manufacture of the items mentioned in the said applications.

4. In response to the aforesaid show cause notice M/s. Laxmi Dyes & Chemical Industries, Bombay by their letter dated 22nd March, 1969, drew attention to their letter dated 11-3-1969 wherein they had confirmed having taken inspection of the D.O. letter No. Exp./12/502, dated 21st June 1968 from the Directorate of Industries, Bombay and also the discussion the firms representative had with Dy. Chief Controller of Imports & Exports, Bombay, Smt. M. D' Costa. It was also stated by the firm that they had booked an interview with the Jt. Chief Controller of Imports & Exports, Bombay and as soon as the said meeting took place they would move in the matter further. By letter No. 1/20/68/EP/8258-9 dated 16th April, 1969 addressed to the firm and its proprietor they were called upon to forward within 15 days from the receipt of the said letter the documentary evidence specified therein which the firm's representative was also verbally told to submit at the time of his interview with the Jt. Chief Controller of Imports & Exports Bombay.

5. The said M/s. Laxmi Dyes & Chemical Industries however failed to produce requisite certificate from the Industries Commissioner, Bombay and the Central Leather Research Institute, Madras as mentioned in the letter dated 16th April, 1969. Also further enquiries made with the Directorate of Industries revealed that the firm had recently purchased some equipment and only a part of the equipments had been installed at the new factory site at Nand Deep Industrial Estate, Kondivita Village, Andheri-Kurla Road, Andheri (East), Bombay-59 and a part was still awaiting installation.

6. In view of the above the undersigned has come to the conclusion that the firm was not having a duly equipped manufacturing unit at 14-D, Zaoba Wadi, Thakurdwar, Bombay-2, nor at Jessa Dossa Compound Kol-Dongri, Quarry Road, Malad (East), Bombay-64 at the time of submission of the applications against which the aforesaid licences were issued nor are they still having a duly equipped manufacturing unit at the new site at Nand Deep Industrial Estate, Kondivil Village, Andheri Kurla Road, Andheri (East), Bombay-59 where the unit is claimed to have been shifted nor are they genuinely engaged in the production of itms required for the manufacture of E.I. Tanned Leather/Blue Chromed Goat Skins against the exports of which items the aforesaid licences were obtained by them nor are they engaged in the manufacture of the other end product viz. Dentifrices for which the aforesaid licences were applied for and obtained.

7. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licences in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under Clause 9, sub-clause (a) of the Imports (Control) Order, 1955 hereby cancels the aforesaid licences issued in favour of M/s. Laxmi Dyes & Chemical Industries, Bombay.

[No. 1/20/68/EP/Enf.]

I. R. KAKAR,
Dy. Chief Controller
of Imp. & Exps. Bombay

MINISTRY OF EDUCATION AND YOUTH SERVICES

New Delhi, the 2nd August 1969

S.O. 3243.—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 5 of the University Grants Commission Act, 1956 (3 of 1956), the Central Government hereby appoints Dr. A. B. Lal, Vice-Chancellor, Allahabad University, as a member of the University Grants Commission with immediate effect in place of Dr. D. S. Reddy, former Vice-Chancellor, Osmania University. Dr. A. B. Lal will hold office for the residue of the term of Dr. D. S. Reddy *i.e.* upto 31st January 1972.

[No. F. 9-18/69-U2.]

G. K. CHANDIRAMANI, Addl. Secy.

MINISTRY OF SHIPPING AND TRANSPORT

MERCHANT SHIPPING

New Delhi, the 4th August, 1969

S.O. 3244.—In exercise of the powers conferred by rule 5 of the Indian Merchant Shipping (Seamen's Employment Office, Bombay) Rules, 1954, the Central Government hereby appoints Shri N. Latif as a member of the Seamen's Employment Board (Foreign-going) at the Port of Bombay to represent Shipowners *vice* Shri J. W. Anson and makes the following amendment in tht notification of the Government of India in the Ministry of Transport and Shipping (Transport Wing) No. 15-MT(6)/67, dated the 22nd December, 1967, namely:—

In tht said notification, for the entry Shri J. W. Anson, against serial number 6, the entry 'Shri N. Latif' shall be substituted.

[No. 15-MT(6)/67.]

RAM KISHORE, Under Secy.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION

(Department of Agriculture)

New Delhi, the 5th August, 1969

S.O. 3245.—In exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), and in supersession of the Bristles Grading and Marking Rules, 1950, the Central Government hereby makes the following rules the same having been previously published as required by the said section, namely:—

BRISTLES GRADING AND MARKING RULES, 1969.

1. **Short title and application.**—(1) These rules may be called the Bristles Grading and Marking Rules, 1969.

(2) They shall apply to bristles obtained from pigs, hogs and boars and produced in India.

2. **Grade designations.**—(1) Grade designations indicating the quality of bristles as set out in column 1 of Schedules I to IX shall be known as "General Grades".

(2) In addition to the grade designations referred to in sub-rule (1), there shall also be "Special Grades" and "Select Grades" which shall satisfy the conditions specified in Schedules X and XI respectively.

3. **Definition of quality.**—The quality indicated by the various grade designations shall be as set out against each designation in columns 2, 3 and 4 of Schedules I to IX and in Schedules X and XI.

4. **Grade designation mark.**—The grade designation mark shall consist of a label bearing the design set out in Schedule XII specifying the grade designation and the colour of the label shall be the colour of the bristles.

5. **Method of marking.**—(1) A grade designation mark label shall be securely affixed to each case in a manner approved by the Agricultural Marketing Adviser to the Government of India.

(2) In addition to the grade designation, the following particulars shall be clearly marked on the label:—

(i) Serial number,

(ii) Type of bristles, i.e. soft, stiff/semi-stiff or extra-stiff;

(iii) Name of packing station;

(iv) Date of marking;

(v) Net weight;

(vi) General, Special or Select.

6. **Method of packing.**—(1)(a) Bristles of the same grade designation shall be tied in bundles.

(b) A bundle (other than of shorts and riflings) shall not be more than 51 mm (2 inches) and not less than 38 mm (1½ inches) in diameter.

(2) The net contents of each case of bristles of all grade designations shall be 10 kg. or more, in multiples of 2 kg., subject to a maximum of 46 kg.

(3) Bristles of different grade designations of 121 mm. (4-3/4 inches) or below shall be packed in separate cases.

(4) Bristles of different grade designations of over 121 mm. (4-3/4 inches) may be packed in one case;

Provided that.

(a) the quantity of bristles of a particular grade designation shall be in multiples of 2 kg., and

(b) bristles of each grade designation shall be packed in distinct layers.

(5) If black and grey bristles are packed in the same case, the quantity of bristles of each of these two colours shall be in multiples of 2 kg. and these shall be packed in distinct layers.

(6)(a) The container for packing shall be a wooden case, which shall be clean and dry.

(b) Tin or aluminium cases may also be used for packing bristles for transit by air freight.

(7) The wooden cases and other containers shall be lined with water proof paper and shall contain sufficient quantity of insecticide such as D.D.T. or naphthalene balls.

(8) Each case shall be securely strapped and sealed.

Explanation.—In this rule the expression "net contents" shall mean "the weight, of the bristles without any wrapping or other additions other than ties of cotton, hemp or other material".

SCHEDULE I

*Grade designation and definition of quality of bristles know commercially as *extra stiff bristles produced in India.*

(*See* rules 2 and 3)

Grade designation (1)	Special characteristics		General characteristics (4)
	Colour** (2)	Length@ (3)	
159 mm. and over (6¼" and over)	White	159 mm. and over	The bristles shall be the natural product obtained from pigs, hogs or boars and shall be thoroughly washed, clean and dry in their natural colour with root-ends@ intact and free from damaged or reclaimed bristles obtained from brushes as well as from all foreign matter such as dust, dirt, or ox or horse tail hair or vegetable fibres or artificial fibres.
152 mm. (6")	,,	152 mm.	
146 mm. (5¾")	,,	146 mm.	
140 mm. (5½")	,,	140 mm.	
133 mm. (5¼")	,,	133 mm.	
127 mm. (5")	,,	127 mm.	
121 mm. (4¾")	,,	121 mm.	
114 mm. (4½")	,,	114 mm.	
108 mm. (4¼")	,,	108 mm.	
102 mm. (4")	,,	102 mm.	
95 mm. (3¾")	,,	95 mm.	
89 mm. (3½")	,,	89 mm.	
83 mm. (3¼")	,,	83 mm.	
76 mm. (3")	,,	76 mm.	
70 mm. (2¾")	,,	70 mm.	
64 mm. (2½")	,,	64 mm.	
57 mm. (2¼")	,,	57 mm.	
51 mm. (2")	,,	51 mm.	
44 mm. (1¾")	,,	44 mm.	
Shorts and Reflings (less than 44 mm.) (Less than 1¾")	,,	Less than 44 mm.	

* Extra stiff bristles are such bristles as are obtained from wild boars and are thicker and stiffer than stiff/semi-stiff bristles.

**The following colour tolerances shall be allowed:—

(a) In grades 114 mm. and over, non-whites shall not exceed 3 per cent

(b) In grades 108 mm. to 44 mm. non-whites shall not exceed 6½ per cent.

(c) In shorts and reflings, non-whites shall not exceed 12½ per cent.

@ All bristles shall have root-ends and flag-ends pointing in opposite directions and shall be "solid dressed" which term shall mean such dressing as to contain:—

(i) a minimum of 85 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths and unavoidables, the maximum tolerance for the latter being 5 per cent in the case of grade designations 102 mm. and over;

(ii) a minimum of 75 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths and unavoidables, the maximum tolerance for the latter being 8 per cent in the case of grade designations 95 mm. to 57 mm.;

(iii) for grade 51 mm. a minimum of 75 per cent of bristles of the specified grade designation length (called "tops"), the balance being made up of the next lower grade lengths and unavoidables; and

(iv) for grade 44 n.m. a minimum of 65 per cent of bristles of the specified grade designation length (called "tops"), the balance being made up of the next lower grade lengths and unavoidables.

SCHEDULE II

*Grade designations and definition of quality of bristles known commercially as *extra stiff bristles produced in India.*

(*See* rules 2 and 3)

Grade designation	Special Characteristics		General Characteristics
	Colour**	Lentgh@	
1	2	3	4
159 mm. and over	(6 ¼" and over)	Black	159 mm. and over	The bristles shall be the natural product obtained from pigs, hogs, or boars and shall be thoroughly washed, clean and dry in their natural colour with root-ends @ intact and free from damaged for reclaimed bristles obtained from brushes as well as from all foreign matter, such as dust, dirt or ox or horse tail hair or vegetable fibres or artificial fibres.
152 mm.	(6")	,,	152 mm.	
146 mm.	(5 ¾")	,,	146 mm.	
140 mm.	(5½")	,,	140 mm.	
133 mm.	(5 ¼")	,,	133 mm.	
127 mm.	(5")	,,	127 mm.	
121 mm.	(4 ¾")	,,	121 mm.	
114 mm.	(4½")	,,	114 mm.	
108 mm.	(4¼")	,,	108 mm.	
102 mm.	(4")	,,	102 mm.	
95 mm.	(3 ¾")	,,	95 mm.	
89 mm	(3½")	,,	89 mm.	
83 mm.	(3 ¼")	,,	83 mm.	
76 mm.	(3")	,,	76 mm.	
70 mm.	(2 ¾")	,,	70 mm.	
64 mm.	(2½")	,,	64 mm.	
57 mm.	(2¼")	,,	57 mm.	
51 mm.	(2")	,,	51 mm.	
44 mm.	(1 ⅝")	,,	44 mm.	
Shorts and Reflings (Less than 44mm.)	(Less than 1 ¾")	,,	(Less than 44 mm.)	

*Extra stiff bristles are such bristles as are obtained from wild boars and are thicker and stiffer than stiff/semi-stiff bristles.

**The following colour tolerance shall be allowed—

(a) In grades 114 mm. and over, non-blacks shall not exceed 3 per cent.

(b) In grades 108 mm. to 44 mm., non-blacks shall not exceed 6¼ per cent.

(c) In Shorts and Reflings, non-blacks shall not exceed 12½ per cent.

@All bristles shall have root-ends and flag-ends pointing in opposite directions and shall be "solid dressed" which term shall mean such dressing as to contain—

(i) a minimum of 85 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths and unavoidables, the maximum tolerance for the latter being 5 per cent in the case of grade designations 102 mm. and over;

(ii) a minimum of 75 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths and unavoidables, the maximum tolerance for the latter being 8 per cent in the case of grade designations 95 mm. to 57 mm.;

(iii) for grade 51 mm. a minimum of 75 per cent of bristles of the specified grade designation length (called "tops"), the balance being made up of the next lower grade lengths and unavoidables; and

(iv) for grade 44 mm. a minimum of 65 per cent of bristles of the specified grade designation length (called "tops"), the balance being made up of the next lower grade lengths and unavoidables.

SCHEDULE III

*Grade designations and definition of quality of bristles known commercially as *extra/semi-stiff bristles produced in India.*

(*See* rules 2 and 3)

Grade designation		Special Characteristics		General Characteristics
		Colour**	Length@	
1		2	3	4
159 mm. and over	(6¼" and over)	Grey	159 mm. and over	The bristles shall be the natural product obtained from pigs, hogs or boars and shall be thoroughly washed, clean and dry in their natural colour with root-ends @ intact and free from damaged or reclaimed bristles obtained from brushes as well as from all foreign matter such as dust, dirt or ox or horse tail hair or vegetable fibres or artificial fibres.
152 mm.	(6")	,,	152 mm.	
146 mm.	(5 ¾")	,,	146 mm.	
140 mm.	(5½")	,,	140 mm.	
133 mm.	(5¼")	,,	133 mm.	
127 mm.	(5")	,,	127 mm.	
121 mm.	(4¾")	,,	121 mm.	
114 mm.	(4½")	,,	114 mm.	
108 mm.	(4¼")	,,	108 mm.	
102 mm.	(4")	,,	102 mm	
95 mm.	(3¾")	,,	95 mm.	
89 mm.	(3½")	,,	89 mm.	
83 mm.	(3¼")	,,	83 mm.	
76 mm.	(3")	,,	76 mm.	
70 mm.	(2¾")	,,	70 mm.	
64 mm.	(2½")	,,	64 mm.	
57 mm.	(2¼")	,,	57 mm.	
51 mm.	(2")	,,	51 mm.	
44 mm.	(1¾")	,,	44 mm.	
Shorts and Reflings (Less than 44 mm.)	(Less than 1¾")	,,	(Less than 44 mm.)	

* Extra stiff bristles are such bristles as are obtained from wild boars and are thicker and stiffer than stiff/semi-stiff bristles.

**All bristles which do not consist wholly of black or white bristles respectively shall be classed as "Grey". The group may also contain bristles of colours other than black and white.

@ All bristles shall have root-ends and flag-ends pointing in opposite directions and shall be "solid dressed" which term shall mean such dressing as to contain:—

(i) a minimum of 85 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths and unavoidables, the maximum tolerance for the latter being 5 per cent in the case of grade designations 102 mm. and over;

(ii) a minimum of 75 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths and unavoidables, the maximum tolerance for the latter being 8 per cent in the case of grade designations 95 mm. to 57 mm.;

(iii) for grade 51 mm. a minimum of 75 per cent of bristles of the specified grade designation length (called "tops"), the balance being made up of the next lower grade lengths and unavoidables; and

(iv) for grade 44 mm. a minimum of 65 per cent of bristles of the specified grade designation length (called "tops"), the balance being made up of the next lower grade lengths and unavoidables.

SCHEDULE IV

*Grade designations and definition of quality of bristles known commercially as *stiff/semi-stiff bristles produced in India.*

(*See* rules 2 and 3)

Grade designation		Special Characteristics		General Characteristics
		Colour**	Length@	
1		2	3	4
159 mm. and over	(6¼" and over)	White	159 mm. and over	The bristles shall be the natural product obtained from pigs, hogs or boars and shall be thoroughly washed, clean and dry in their natural colour with root-ends @ intact and free from damaged or reclaimed bristles obtained from brushes as well as from all foreign matter such as dust, dirt or ox or horse tail hair or vegetable fibres or artificial fibres.
152 mm.	(6")	,,	152 mm.	
146 mm.	(5¾")	,,	146 mm.	
140 mm.	(5½")	,,	140 mm.	
133 mm.	(5¼")	,,	133 mm.	
127 mm.	(5")	,,	127 mm.	
121 mm.	(4¾")	,,	121 mm.	
114 mm.	(4½")	,,	114 mm.	
108 mm.	(4¼")	,,	108 mm.	
102 mm.	(4")	,,	102 mm.	
95 mm.	(3¾")	,,	95 mm.	
89 mm.	(3½")	,,	89 mm.	
83 mm.	(3¼")	,,	83 mm.	
76 mm.	(3")	,,	76 mm.	
70 mm.	(2¾")	,,	70 mm.	
64 mm.	(2½")	,,	64 mm.	
57 mm.	(2¼")	,,	57 mm.	
51 mm.	(2")	,,	51 mm	
44 mm.	(1¾")	,,	44 mm.	
Shorts and Reflings (Less than 44 mm.)	(Less than 1¾")	,,	(Less than 44 mm.)	

* Stiff/semi-stiff bristles are such bristles as are not soft or extra stiff.

** The following colour tolerance shall be allowed—

(a) In grades 114 mm. and over, non-whites shall not exceed 3 per cent.

(b) In grades 108 mm. to 44 mm., non-whites shall not exceed 6½ per cent.

(c) In Shorts and Reflings, non-whites shall not exceed 12½ per cent.

@All bristles shall have root-ends and flage-ends pointing in opposite directions and shall be "solid dressed" which term shall mean such dressing as to contain:—

(i) a minimum of 85 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths and unavoidables, the maximum tolerance for the latter being 5 per cent in the case of grade designations 102 mm. and over;

(ii) a minimum of 75 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths and unavoidables, the maximum tolerance for the latter being 8 per cent in the case of grade designations 95 mm. to 57 mm.;

(iii) for grade 51 mm. a minimum of 75 per cent of bristles of the specified grade designation length (called "tops"), the balance being made up of the next lower grade lengths and unavoidables; and

(iv) for grade 44 mm. a minimum of 65 per cent of bristles of the specified grade designation length (called "tops") the balance being made up of the next lower grade lengths and unavoidables.

SCHEDULE V

*Grade designations and definition of quality of bristles known commercially as *stiff/semi-stiff bristles produced in India.*

(*See* rules 2 and 3)

Grade designation	Special characteristics		General Characteristics
	Colour**	Length @	
1	2	3	4
159 mm and over)	(6¼" and over	Black) 159 mm.	The bristles shall be the natural product obtained from pigs, hogs or boars and shall be thoroughly washed, clear and dry in their natural colour with root-ends @ intact and free from damaged or re-claimed bristles obtained from brushes as well as from all foreign matter such as dust, dirt, or ox,or horse tail hair or vegetable fibres or artificial fibres.
152 mm. . .	(6")	,, 152 mm.	
146 mm. . .	(5¾")	,, 146 mm.	
140 mm. . .	(5½")	,, 140 mm.	
133 mm. . .	(5¼")	,, 133 mm.	
127 mm. . .	(5")	,, 127 mm.	
121 mm. . .	(4¾")	,, 121 mm.	
114 mm. . .	(4½")	,, 114 mm.	
108 mm. . .	(4¼")	,, 108 mm.	
102 mm. . .	(4")	,, 102 mm.	
95 mm. . .	(3¾")	,, 95 mm.	
89 mm. . .	(3½")	,, 89 mm.	
83 mm. . .	(3¼")	,, 83 mm.	
76 mm. . .	(3")	,, 76 mm.	
70 mm. . .	(2¾")	,, 70 mm.	
64 mm. . .	(2½")	,, 64 mm.	
57 mm. . .	(2¼")	,, 57 mm.	
51 mm. . .	(2")	,, 51 mm.	
44 mm. . .	(1¾")	,, 44 mm.	
Shorts and Reflings (less than 44 mm.)	(Less than 1¾")	,, (Less than 44 mm.)	

*Stiff/semi-stiff bristles are such bristles as are not soft or extra stiff.

**The following colour tolerances shall be allowed:—

(a) In grades 114 mm. and over, non-blacks shall not exceed 3 per cent.

(b) In grades 108 mm. to 44 mm., non-blacks shall not exceed 6¼ per cent.

(c) In Shorts and Reflings, non-blacks shall not exceed 12½ per cent.

@ All bristles shall have root-ends and flag-ends pointing in opposite directions and shall be "solid dressed" which term shall mean such dressing as to contain—

(i) a minimum of 85 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths and unavoidables, the maximum tolerance for the latter being 5 per cent in the case of grade designations 102 mm. and over;

(ii) a minimum of 75 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths and unavoidables, the maximum tolerance for the latter being 8 per cent in the case of grade designations 95 mm. to 57 mm;

(iii) for grade 51 mm. a minimum of 75 per cent of bristles of the specified grade designation length (called "tops"), the balance being made up of the next lower grade lengths and unavoidables; and

(iv) for grade 44 mm. a minimum of 65 per cent of bristles of the specified grade designation length (called "tops"), the balance being made up of the next lower grade lengths and unavoidables.

SCHEDULE VI

*Grade designations and definition of quality of bristles known commercially as *stiff/semi-stiff bristles produced in India.*

(*See* rules 2 and 3)

Grade designation	Special characteristics		General Characteristics
	Colour**	Length@	
(1)	(2)	(3)	(4)
159 mm. and over (6 1/4" and over)	Grey	159mm and over)	The bristles shall be the natural product obtained from pigs hogs or boars @ shall be thoroughly washed, clean and dry in their natural colour with root-ends @ intact and free from damaged or reclaimed bristles obtained from brushes as well as from all foreign matter such as dust, dirt or ox or horse tail hair or vegetable fibres or artificial fibres.
152 mm. (6")	,,	152mm.	
146 mm. (5 3/4")	,,	146mm.	
140 mm. (5½")	,,	140mm.	
133 mm. (5 1/4")	,,	133mm.	
127 mm. (5")	,,	127mm.	
121 mm. (4 3/4")	,,	121mm.	
114 mm. (4½")	,,	114mm.	
108 mm. (4 1/4")	,,	108mm.	
102 mm. (4")	,,	102mm	
95 mm. (3 3/4")	,,	95mm.	
89 mm. (3 1/2")	,,	89mm.	
83 mm. (3 1/4")	,,	83mm.	
76 mm. (3")	,,	76mm.	
70 mm. (2 3/4")	,,	70mm.	
64 mm. (2 1/2")	,,	64mm.	
57 mm. (2 1/4")	,,	57mm.	
51 mm. (2")	,,	51mm.	
44 mm. (1 3/4")	,,	44mm.	
Shorts and Riflings (Less than 44mm.) (Less than 1 3/4")	,,	Less than 44 mm.	

*Stiff/semi-stiff bristles are such bristles as are not soft or extra stiff.

**All bristles which do not consist wholly of black or white bristles respectively shall be classed as "Grey". The group may also contain bristles of colours other than black and white.

@All bristles shall have root-ends and flag-ends pointing in opposite directions and shall be "Solid dressed" which term shall mean such dressing as to contain—

(i) a minimum of 85 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths and unavoidables, the maximum tolerance for the latter being 5 per cent in the case of grade designations 102 mm. and over;

(ii) a minimum of 75 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths and unavoidables, the maximum tolerance for the latter being 8 per cent in the case of grade designations 95 mm. to 57 mm.;

(iii) for grade 51 mm. a minimum of 75 per cent of bristles of the specified grade designation length (called "tops"), the balance being made up of the next lower grade lengths and unavoidables; and

(iv) for grade 44 mm. a minimum of 65 per cent of bristles of the specified grade designation length (called "tops"), the balance being made up of the next lower grade lengths and unavoidables.

SCHEDULE VII

*Grade designations and definition of quality of bristles known commercially as *soft bristles produced in India.*

(*See* rules 2 and 3)

Grade designation	Special characteristics		General Characteristics
	Colour**	Length@	
(1)	(2)	(3)	(4)
159 mm. and over	(6 1/4" and over) White	159 mm. and over	The bristles shall be the natural product obtained from pigs, hogs or boars and shall be thoroughly washed, clean and dry in their natural colour with root-ends @ intact and free from damaged or reclaimed bristles obtained from brushes as well as from all foreign matter such as dust, dirt or ox or horse tail hair or vegetable fibres or artificial fibres.
152 mm. . .	(6") ,,	152mm.	
146 mm. . .	(5 3/4") ,,	146mm.	
140 mm. . .	(5½") ,,	140mm.	
133 mm. . .	(5 1/4") ,,	133mm.	
127 mm. . .	(5") ,,	127mm.	
121 mm. . .	(4 3/4") ,,	121mm.	
114 mm. . .	(4½") ,,	114mm.	
108 mm. . .	(4 1/4") ,,	108mm.	
102 mm. . .	(4") ,,	102mm.	
95 mm. . .	(3 3/4") ,,	95mm.	
89 mm. . .	(3½") ,,	89mm.	
83 mm. . .	(3 1/4") ,,	83mm.	
76 mm. . .	(3") ,,	76mm.	
70 mm. . .	(2 3/4") ,,	70mm.	
64 mm. . .	(2½") ,,	64mm.	
57 mm. . .	(2¼") ,,	57 mm.	
51 mm. . .	(2") ,,	51mm.	
44 mm. . .	(1 3/4") ,,	44 mm	
Shorts and Riflings (Less than 44 mm.)	(Less than 1 3/4") ,,	Less than 44 mm).	

*Soft bristles are such bristles as are soft, and thinner than stiff/semi-stiff bristles.

**The following colour tolerances shall be allowed:—

(a) In grades 114 mm. and over, non-whites shall not exceed 3 per cent.

(b) In grades 108 mm. to 44mm., non-whites shall not exceed 6½ per cent

(c) In Shorts and Riflings, non-whites shall not exceed 12½ per cent.

@ All bristles shall have root-ends and flag-ends pointing in opposite directions and shall be "solid-dressed" which term shall mean such dressing as to contain:—

(i) a minimum of 85 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths and unavoidables, the maximum tolerance for the latter being 5 per cent in the case of grade designations 102 mm. and over;

(ii) a minimum of 75 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths and unavoidables, the maximum tolerance for the latter being 8 per cent in the case of grade designations 95 mm. to 57 mm.;

(iii) for grade 51 mm. a minimum of 75 per cent of bristles of the specified grade designation length (called "tops"), the balance being made up of the next lower grade lengths and unavoidables; and

(iv) for grade 44 mm. a minimum of 65 per cent of bristles of the specified grade designation length (called "tops"), the balance being made up the next lower grade lengths and unavoidables.

SCHEDULE VIII

*Grade designations and definition of quality of bristles known commercially as *soft bristles produced in India.*

(*See* rules 2 and 3)

Grade designation	Special characteristics		General Characteristics
	Colour**	Length@	
1	2	3	4
159 mm and over	(6¼" and over) Black	159 mm. and over	The bristles shall be the natural product obtained from pigs, hogs pr boars and shall be thoroughly washed, clean and dry in their natural colour with root-ends@ intact and free from damaged or reclaimed bristles obtained from brushes as well as from all foreign matter such as dust, dirt, or ox or horse tail hair or vegetable fibres or artificial fibres.
152 mm. . .	(6") ,,	152 mm	
146 mm. .	(5 3/4") ,,	146 mm.	
140 mm. . .	(5½") ,,	140 mm	
133 mm. . .	(5¼") ,,	133 mm.	
127 mm. . .	(5") ,,	127 mm.	
121 mm. . .	(4 3/4") ,,	121 mm.	
114 mm. . .	(4½") ,,	114 mm.	
108 mm. . .	(4¼") ,,	108 mm.	
102 mm. . .	(4") ,,	102 mm.	
95 mm. . .	(3 5/4") ,,	95 mm.	
89 mm. . .	(3½") ,,	89 mm.	
83 mm. . .	(3¼") ,,	83 mm.	
76 mm. . .	(3") ,,	76 mm.	
70 mm. . .	(2 3/4") ,,	70 mm.	
64 mm. . .	(2½") ,,	64 mm.	
57 mm. . .	(2¼") ,,	57 mm.	
51 mm. . .	(2") ,,	51 mm.	
44 mm. . .	(1 3/4") ,,	44 mm.	
Shorts and Riflings (Less than 44 mm.)	(Less than 1 3/4") ,,	Less than 44 mm.	

*Soft bristles are such bristles as are soft, and thinner than stiff/semi-stiff bristles.

**The following colour tolerances shall be allowed:—

(a) In grades 114 mm. and over, non-blacks shall not exceed 3 per cent.

(b) In grades 108 mm. to 44 mm., non-blacks shall not exceed 6¼ per cent.

(c) In Shorts and Riflings, non-black shall not exceed 12½ per cent.

@All bristles shall have root-ends and flag-ends pointing in opposite directions and shall be "solid dressed" which term shall mean such dressing as to contain:—

(i) a minimum of 85 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths and unavoidables, the maximum tolerance for the latter being 5 per cent in the case of grade disignations 102 mm. and over;

(ii) a minimum of 75 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths and unavoidables, the maximum tolerance for the latter being 8 per cent in the case of grade designations 95 mm. to 57 mm.;

(iii) for grade 51 mm. a minimum of 75 per cent of bristles of the specified grade designation length (called "tops"), the balance being made up of the next lower grade lengths and unavoidables; and

(iv) for grade 44 mm. a minimum of 65 per cent of bristles of the specified grade designation length (called "tops"), the balance being made up of the next lower grade lengths and unavoidables.

SCHEDULE IX

Grade designations and definition of quality of bristles known commercially as "soft bristles produced in India.

(*See* rules 2 and 3)

Grade designation	Special characteristics		General characteristics
	Colour**	Length@	
1	2	3	4
159 mm. and over (6¼" and over)	Grey	159 mm. & over	The bristles shall be the natural product obtained from pigs, hogs or boars and shall be thoroughly washed clean and dry in their natural colour with root-ends @ intact and free from damaged or reclaimed bristles obtained from brushes as well as from all foreign matter such as dust, dirt, or ox or horse tail hair or vegetable fibres or artificial fibres.
152 mm. (6")	„	152 mm.	
146 mm. (5 3/4")	„	146 mm.	
140 mm. (5½")	„	140 mm.	
133 mm. (5¼")	„	133 mm.	
127 mm. (5")	„	127 mm.	
121 mm. (4 3/4")	„	121 mm.	
114 mm. (4½")	„	114 mm.	
108 mm. (4¼")	„	108 mm.	
102 mm. (4")	„	102 mm.	
95 mm. (3 3/4")	„	95 mm.	
89 mm. (3½")	„	89 mm.	
83 mm. (3¼")	„	83 mm.	
76 mm. (3")	„	76 mm.	
70 mm. (2 3/4")	„	70 mm.	
64 mm. (2½")	„	64 mm.	
57 mm. (2¼")	„	57 mm.	
51 mm. (2")	„	51 mm.	
44 mm. (1 3/4")	„	44 mm.	
Shorts and Riflings (Less than 44 mm.) (Less than 1 3/4")	„	Less than 44 mm.	

*Soft bristles are such bristles as are soft, and thinner than stiff/semi-stiff bristles.

**All bristles which do not consist wholly of black or white bristles respectively shall be classed as "Grey". The Group may also contain bristles of colours other than black and white.

@All bristles shall have root-ends and flag-ends pointing in opposite directions and shall be "solid dressed" which term shall mean such dressing as to contain:—

(i) a minimum of 85 per cent of the specified grade designation length (called "tops") the balance being made up of the next two lower grade lengths and unavoidables, the maximum tolerance for the latter being 5 per cent in the case of grade designations 102 mm. and over;

(ii) a minimum of 75 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths and unavoidables, the maximum tolerance for the latter being 8 per cent in the case of grade designations 95 mm. to 57 mm.;

(iii) for grade 51 mm. a minimum of 75 per cent of bristles of the specified grade designation length (called "tops"), the balance being made up of the next lower grade lengths and unavoidables; and

(iv) for grade 44 mm. a minimum of 65 per cent of bristles of the specified grade designation length (called "tops"); the balance being made up of the next lower grade lengths and unavoidables.

SCHEDULE X

[*See* rules 2(2) and 3]

Special Grades of Bristles.

In addition to the requirements specified for General Grades in Schedules I to IX, Special Grades of bristles shall satisfy the following requirements, namely:—

(1) Subject to the tolerance limits specified below, all bristles shall be free from nits (egg capsutes left by *hog lice*) and—

(i) bundles of bristles shall not contain more than 8 *infested* hairs per bundle up to and inclusive of 95 mm. (3¾") in length; and

(ii) bundles of bristles shall not contain more than 5 *infested* hairs per bundle exceeding 95 mm. (3¾") in length.

(2) The following colour tolerance limits shall be allowed:—

(i) in grades 114 mm. (4½") and over, non-whites (in the case of whites) and non-blacks (in the case of blacks) shall not exceed 1 per cent;

(ii) In grades 108 mm., to 44 mm., (4¼" to 1¾"), non-whites (in the case of whites) and non-blacks (in the case of blacks) shall not exceed 2 per cent; and

(iii) in Shorts and Riflings, non-whites (in the case of whites) and non-blacks (in the case of blacks) shall not exceed 3 per cent.

(3) All bristles shall have root-ends and flag-ends pointing in opposite directions and shall be "solid dressed" which term shall mean such dressing as to contain—

(i) a minimum of 85 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths and unavoidables, the maximum tolerance for the latter being 3 per cent in the case of grade designations 102 mm. and over (4" and over);

(ii) a minimum of 75 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths and unavoidables, the maximum tolerance for the latter being 5 per cent in the case of grade designations 95 mm. to 57 mm. (3¾" to 2¼"); and

(iii) for grades 41 mm. and 44 mm. (2" and 1¾"), a minimum of 75 per cent of bristles of the specified grade designation length (called "tops"), the balance being made up of the next lower grade lengths and unavoidables.

SCHEDULE XI

[*See* rules 2(2) and 3]

Select Grades of Bristles

In addition to the requirements specified for General Grades in Schedules I to IX, and for Special Grades in Schedule X, Select Grades of Bristles shall be free from *nits* (egg capsules left by hog lice) and—

(i) bundles of bristles shall not contain more than 16 infested hairs per bundle up to and inclusive of 95 mm. (3¾") in length; and

(ii) bundles of bristles shall not contain more than 10 infested hairs per bundle exceeding 95 mm. (3¾") in length.

SCHEDULE XII

Grade designation mark for bristles

(See rule 4)

[No. F.8-1/67-A.M.]

S.O. 3246.—In exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government hereby makes the following rules further to amend the Cardamom Grading and Marking Rules, 1962, the same having been previously published as required under the said section, namely:—

1. These rules may be called the Cardamom Grading and Marking (Amendment) Rules, 1969.

2. In the cardamom Grading and Marking Rules, 1962,—

(i) in rule 1, for sub-rule (2), the following sub-rule shall be substituted, namely:—

"(2) They shall apply to Cardamom (*Elettaria Cardamom*) (capsules, seeds and powder) produced in India";

(ii) in rule 3, for the words and figures "Schedules I to VI", the words, figures and letter "Schedules I to VIA" shall be substituted;

(iii) in rule 4, for the words and figures "Schedules I to VI" the words, figures and letter "Schedules I to VIA" shall be substituted;—

(iv) for rules 5 and 6, the following rules shall be substituted, namely:—

"5 *Grade Designation Marks*:—

(1) The grade designation mark in the case of Cardamom (capsules, seeds and powder) packed in polythene or paper bags shall consist of a design incorporating the number of the certificate of authorisation, the word "Agmark" and the grade approved by the Agricultural Marketing Adviser.

(2) The grade designation mark in the case of Cardamom (capsules, seeds and powder) packed in tin or glass containers shall consist of a paste-on label, specifying the grade designation and bearing the design of a map of India with the word "Agmark".

(3) The grade designation mark in the case of Cardamom (capsules, seeds and powder) packed in containers of jute or cloth or in wooden cases as also in containers in which sealed polythene bags of graded Cardamom (capsules, seeds and powder) are packed, shall consist of a label specifying the grade designation and bearing a design (consisting of an outline map of India with the word "Agmark" and the figures of the rising sun with the words "produce of India" and " भारत का उद्‌ पद ") resembling the one as set out in Schedule VII.

6. *Method of Marking*:

(1) The grade designation mark shall be securely affixed to, or printed on, each container in a manner approved by the Agricultural Marketing Adviser.

(2) In addition to the above, the following particulars shall also be clearly and indelibly marked on each container:—

(a) Date of packing in code or plain letters;
(b) Lot number; and
(c) Net weight.

(3) An authorised packer may, after obtaining the prior approval of the Agricultural Marketing Adviser, mark his private trade mark on a container, in a manner approved by the said officer, provided that the private trade mark does not represent a quality or a grade different from that indicated by the grade designation mark affixed to or printed on the container in accordance with these rules.

(v) after Schedule VI, the following schedule shall be added, namely:—

"SCHEDULE VIA

(*See* rules 3 and 4)

Grade designation and definitions of quality of cardamom powder.

Grade Designation	Special Characteristics			General Characteristics
	Moisture per cent by weight maximum	Total as per cent by weight maximum	Ash insoluble in dilute hydrochloric acid per cent by weight maximum	
1	2	3	4	5
Standard	14·0	8·0	3·0	1. Cardamom powder shall be the material obtained from the seeds separated from the capsules of *Elettaria Cardamom*.(L)

1	2	3	4	5
				2. It shall be free from admixture, from mould growth, from insect infestation or musty odour. 3. It shall be free from coarse particles and ground to such a fineness that the whole o it qasses through a 500 micron sieve."

[No. F. 13-25/68-L.A.].

V. S. SINHA
Under Secy.

खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मंत्रालय

(कृषि विभाग)

आदेश

नई दिल्ली, 18 जुलाई, 1969

एस० ओ० 3247—अत्यावश्यक वस्तु अधिनियम, 1955 (1955 का 10), के खंड 5 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मन्त्रालय (कृषि विभाग) में भारत सरकार की अधिसूचना संख्या एस० ओ० 1958 दिनांक 13 मई 1969 में एतद्द्वारा निम्नलिखित संशोधन करते हैं :—

उक्त अधिसूचना में, प्रथम पैरा में शर्त (ii) हटा दी जाएगी और शर्त (iii) की शर्त (ii) की संख्या दी जाएगी ।

[संख्या 24-4 / 68—एल० डी० III]

सु० ज्यो० मजूमदार, अवर सचिव ।

MINISTRY OF INDUSTRIAL DEVELOPMENT, INTERNAL TRADE AND COMPANY AFFAIRS

(Department of Industrial Development)

New Delhi, the 5th August 1969

S O. 3248.—In exercise of the powers conferred by section 72 of the Indian Patents and Designs Act, 1911 (2 of 1911), the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Commerce and Industry, No. S.R.O. 681 dated the 23rd March, 1955, namely:—

In the said Notification; for item (25); the following item shall be substituted; namely:—

"(25) The Director, Inventions Promotion Board, 39, Ring Road; Mulchand Hospital Corner; New Delhi-24."

[No. 33(5)-PP&D/69.]

HARGUNDAS, Under Secy.

औद्योगिक विकास, आन्तरिक व्यापार तथा समवाय-कार्य मंत्रालय

(औद्योगिक विकास विभाग)

नई दिल्ली, 5 अगस्त 1969

एस० ओ० 3249.—भारतीय पेटेन्ट्स तथा डिजाइन अधिनियम, 1911 (1911 का 2) के खण्ड 72 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार एतद्द्वारा भूतपूर्व वाणिज्य एवं उद्योग मंत्रालय, भारत सरकार की अधिसूचना सं० एस० आर० ओ० 681 दिनांक 23 मार्च 1955 में निम्नलिखित अग्रेतर संशोधन करती है, अर्थात् :—

उक्त अधिसूचना के मद (25) के स्थान पर निम्नलिखित मद निविष्ट की जाए, अर्थात्

"(25) निदेशक,

आविष्कार संवर्धन बोर्ड,

39, रिंग रोड, मलचन्द अस्पताल कार्नर, नई दिल्ली–24 ।

[सं० 33(5)—पी०पो० एण्ड डी० (69)]

हरगुनदास, अवर सचिव ।

(Department of Internal Trade)

New Delhi, the 6th August 1969

S.O. 3250.—In pursuance of Sub-rule (2) of Rule 157 of the Trade and Merchandise Marks Rules, 1959 it is hereby notified that the address of the principal place of business of Shri S. N. Mukerjee, A Registered Trade Mark Agent (Registration No. 75) has been altered in the Register of Trade Marks Agent as shown below:—

"Shri Shibendra Nath Mukerjee, Registered Trade Mark Agent, C/o M/s. S. N. Mukerjee & Co., 3/1, Mangoe Lane, Calcutta-1, West Bengal, India."

[No. 29(2)-TM/I.T./69.]

P. SITARAMAN, Dy. Secy.

(Department of Industrial Development)

(Indian Standards Institution)

New Delhi, the 1st August 1969

S. O. 3251.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard mark(s), design(s) of which together with the verbal description of the design(s) and the title(s) of the relevant Indian Standard(s) are given in the Schedule hereto annexed, have been specified

These Standard Mark(s) for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come in to force with effect from the dates shown against each :

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the Design of the Standard Mark	Date of effect
1	2	3	4	5	6
1.	IS : 77 	Linseed oil, boiled for paints.	IS : 77-1950 Specification for linseed oil, boiled, for paints.	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	1 August 1969
2	IS : 345 	Wood filler, transparent, liquid.	IS : 345-1952 Specification for wood filler, transparent, liquid.	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in col, (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	22 July 1969
3	IS : 1988 	Screwing taps	IS : 1988-1962 Specification for screwing taps.	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	16 August 1969.

[No. CMD/13:9]

S. O. 3252.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee(s) per unit for various products, details of which are given in the Schedule hereto annexed, have been determined and the fee(s) shall come into force with effect from the dates shown against each :

THE SCHEDULE

Sl. No	Product/Class of Products	No. and Title of Relevant Indian Standar	Unit	Marking Fee per Unit	Date of Effect
1	2	3	4	5	6
1.	Linseed oil, boiled, for paints.	IS : 77-1950 Specification for linseed oil, boiled for paints	One litre	5 Paise	1 August, 1969
2.	Wood, filler, transparent, liquid.	IS : 345-1952 Specification for wood filler transparent liquid.	One litre	0·5 Paisa	22 July, 1969
3.	Screwing taps	IS : 1988-1962 Specification for screwing taps.	One piece	One Paisa	16 August,

[No. CMD/13 :10.1

A. K. GUPTA,
Dy. Director General.

MINISTRY OF TOURISM AND CIVIL AVIATION

New Delhi, the 2nd August 1969

S.O. 3253.—In exercise of the powers conferred by section 4 of the Air Corporations Act 1953 (27 of 1953) and in supersession of all previous notifications and orders, the Central Government hereby directs that, with effect from the 1st August 1969, Air-India Corporation shall consist of the following members, namely:—

1. Shri J. R. D. Tata
2. Shri S. Mohan Kumaramangalam
3. Air Chief Marshal P. C. Lal
4. Air Marshal M. S. Chaturvedi
5. Shri K. T. Satarawala
6. Shri Y. T. Shah
7. Shri N. Khosla
8. Shri K. N. Mookerjee
9. Shri Ravi J. Matthai

and appoints Shri J. R. D. Tata as Chairman of the said Corporation.

[No. 3-AC(6)/69.]

S.O. 3254.—In exercise of the powers conferred by Section 4 of the Air Corporations Act, 1953 (27 of 1953) and in supersession of all previous notifications and orders, the Central Government hereby directs that, with effect from the 1st August 1969, Indian Airlines Corporation shall consist of the following members, namely :—

1. Shri S. Mohan Kumaramangalam
2. Shri J. R. D. Tata
3. Air Chief Marshal P. C. Lal
4. Air Marshal M. S. Chaturvedi
5. Shri K. T. Satarawala
6. Shri Y. T. Shah
7. Shri N. Khosla
8. Shri K. N. Mookerjee
9. Shri Ravi J. Matthai

and appoints Shri S. Mohan Kumaramangalam as Chairman of the said Corporation.

[No. 3-AC(6)/69.]

A. MITRA, Secy.

MINISTRY OF HEALTH AND FAMILY PLANNING AND WORKS, HOUSING AND URBAN DEVELOPMENT

(Department of Health)

New Delhi, the 2nd August 1969

S.O. 3255.—In exercise of the powers conferred by Section 18 of the Pharmacy Act, 1948 (8 of 1948), the Pharmacy Council of India, with the approval of the Central Government, hereby makes the following Regulations further to amend the Pharmacy Council of India Regulations published with the notification of the Government of India in the Ministry of Health S.R.O. No. 1496 dated the 25th August, 1952, namely :—

1. (i) These Regulations may be called the Pharmacy Council of India (Amendment) Regulations, 1969.

   (ii) They shall come into force on the date of their publication in the Official Gazette.

2. In the Pharmacy Council of India Regulations, for the existing entry under Regulation 53(3), the following shall be substituted :—

"The Secretary shall act as the Treasurer of the Council"

[No. F. 6-41/68-MPT.]

Sd./- Illegible
Under Secy.

(Department of Works, Housing and Urban Development)

(Directorate of Estates)

New Delhi, the 5th August 1969

S.O. 3256.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby appoints the officers mentioned in column (1) of the table below being the officers equivalent to the rank of a gazetted officer of Government to be estate officers for the purposes of the said Act who shall exercise the powers conferred and perform the duties imposed on estate officers by or under the said Act within the local limits of their respective jurisdiction in respect of the public premises specified in column (2) of the said table.

THE TABLE

Designation of the officer	Categories of public premises and local limits of jurisdiction
(1)	(2)
1. Personnel Manager-*cum*-Administrative Officer, Nangal Unit, Naya Nangal, Fertilizer Corporation of India Limited.	Public premises belonging to the Fertilizer Corporation of India, Limited within the Nangal Township, Naya Nangal (Punjab).
2. Chief Executive Officer, Namrup Unit, Namrup, Fertilizer Corporation of India Limited.	Public premises belonging to the Fertiliser Corporation of India Limited within the Namrup Colony, Namrup (Assam).

[No. F. 21011(4)/66-Pol.]

T. K. BALASUBRAMANIAM,
Dy. Director of Estates and *Ex-officio* Under Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 2nd August 1969

S.O. 3257.—In exercise of the powers conferred by rule 10 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints Shri K. A. Iyer, a permanent Grade I and officiating Selection Grade Officer of the Central Secretariat Service working as Deputy Secretary, Ministry of Information and Broadcasting, New Delhi, to officiate as Regional Officer, Central Board of Film Censors, Madras, with effect from the 16th July, 1969, until further orders, *vice* Shri S. Sunder Rajan.

[No. 2/59/69-F(C).]

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 2 अगस्त, 1969

एस० ओ० 3258.—चलचित्र (सेन्सर) नियमावली, 1958 के नियम 10 के द्वारा दियेगये अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार ने केन्द्रीय सचिवालय सेवा के ग्रेड 1 के स्थायी और सेलेक्शन ग्रेड के स्थानापन्न अधिकारी श्री के० ए० अय्यर को जो सूचना और प्रसारण मन्त्रालय, नई दिल्ली में उप सचिव के पद पर कार्य कर रहे हैं, 16 जुलाई, 1969 से अगले आदेश तक, श्री एस० सुन्दरराजन के स्थान पर, स्थानापन्न प्रादेशिक अधिकारी, केन्द्रीय फिल्म सन्सर बोर्ड, मद्रास नियुक्त किया है।

[संख्या 2/59/69-एफ० (सी)]

ORDER

New Delhi, the 31st July 1969

S.O. 3259.—In pursuance of the directions issued under the provisions of each of the enactments specified in the First Schedule annexed hereto, the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the film specified in column 2 of the Second Schedule

annexed hereto in Gujarati to be of the description specified against it in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

(1) Sub-Section 4 of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).

(2) Sub-Section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XVII of 1953).

(3) Sub-Section (4) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

THE SECOND SCHEDULE

Sl. No.	Title of the Film	Length 35mm	Name of the Applicant	Name of the Producer	Whether a scientific film or a film intended for educational purposes or a film dealing with news and current events or a documentary film
1	2	3	4	5	6
1.	Ek Panth Sau Kaj	273·41 M	Director of Information, Govt. of Gujarat, Sachivalaya Ahemdabad.		Documentary film (For release in Gujarat Circuit only).

[No. F. 24/1/69-FP App. 1373.]

BANU RAM AGGARWAL, Under Secy.

आदेश

नई दिल्ली, 31 जुलाई, 1969

एस०ओ० 3260.—इसके साथ लगी प्रथम अनुसूची में निर्धारित प्रत्येक अधिनियम के उपबन्ध के अन्तर्गत जारी किये गये निदेशों के अनुसार, केन्द्रीय सरकार, फिल्म सलाहकार बोर्ड, बम्बई की सिफारिशों पर विचार करने के बाद, एतद्द्वारा, इसके साथ लगी द्वितीय अनुसूची के कालम 2 में दी गई फिल्म को उसके गुजराती भाषा रूपान्तर सहित जिसका विवरण उसके सामने उक्त द्वितीय अनुसूची के कालम 6 में दिया हुआ है, स्वीकृत करती है :—

प्रथम अनुसूची

(1) चलचित्र अधिनियम, 1952 (1952 का 37वां केन्द्रीय अधिनियम) की धारा 12 की उपधारा (4) तथा धारा 16।

(2) बम्बई सिनेमा (विनियम) अधिनियम, 1953 (1953 का 17वां बम्बई अधिनियम) की धारा 5 की उपधारा (3) तथा धारा 9।

(3) सौराष्ट्र सिनेमा (विनियम) अधिनियम 1953 (1953 का 17वां सौराष्ट्र अधिनियम) की धारा 5 की उपधारा (4) तथा धारा 9।

द्वितीय अनुसूची

क्रम संख्या	फिल्म का नाम	लम्बाई 35 मि० मी०	आवेदक का नाम	निर्माता का नाम	क्या वैज्ञानिक फिल्म है या शिक्षा सम्बन्धी फिल्म है या समाचार और सामयिक घटनाओं की फिल्म है या डाकुमैन्ट्री फिल्म है ।
(1)	(2)	(3)	(4)	(5)	(6)
(1)	एक पंथ सौ काज ।	273.41 मीटर ।	सूचना निदेशक, गुजरात सरकार, सचिवालय, अहमदाबाद ।		डाकुमैन्ट्री फिल्म (केवल गुजरात सर्किट के लिए) ।

[सख्या फ० 24/1/69—एफ० पी० परिशिष्ट, 1373]

बानूराम अग्रवाल, अवर सचिव

MINISTRY OF PETROLEUM AND CHEMICALS AND MINES AND METALS

(Department of Petroleum)

New Delhi, the 1st August 1969

S O. 3261.—Whereas by a notification of the Giverrment of India in the Ministry of Petroleum & Chemicals S O No. 4320, dated 21st November 1963, under sub-section (1) of Section 3 of the Petroleum Pipelincs (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, whereas, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

Laying pipeline from well No. 95 to G.G.S. III

State . Gujarat Distt. Mehsana Taluka : Kadi

Village	Survey No.	Hectare	Are.	P. Are.
CHATRAL	144	0	9	51
	327	0	15	48
	328	0	12	34
	330/2	0	1	61
	V. P. Road Chatral	0	1	21
	352/1	0	10	19
	351/1	0	7	38
	V. P. Road Chatral	0	1	21
	351/2	0	2	72
	337	0	2	12
	340	0	2	72
	338	0	2	92

[No. 20/3/67-IOC/Lab. & Legis.(1).]

S.O. 352.—Whereas by a notification of the Government of India in the Ministry of Petroleum & Chemicals S.O. No. 4563, dated 12th December 1968 under sub-section ( ) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, whereas, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

Laying pipeline from G.G.S. II to Gas Flare point.

State : Gujarat Distt. : Mehsana Taluka : Kalol

Village	Survey No.	Hectare.	Are.	P. Are.
SAIJ	706	0	1	52

[No. 20/3/67-IOC/Lab. & Legis.(2).]

S.O. 3263.—Whereas by a notification of the Government of India in the Ministry of Petroleum & Chemicals S.O. No. 1588, dated 16th April 1969 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, whereas, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

Laying pipeline from G.G.S. IV to Main Collector line

State: Gujarat Dist.: Mehsana Taluka: Kalol

Village	S. No.	Hectare	Are.	P. Are.
Kalol	251/40	0	10	99
	251/38	0	5	86
	251/35, 36	0	17	22
	251/34	0	0	50
	251/33	0	12	43
	251/32	0	19	82
	251/10	0	1	0
	251/11	0	9	29
	251/13	0	7	88
	251/12	0	16	77
	251/1/2	0	1	0
	252/25	0	24	32
	252/24	0	1	00
	252/26	0	2	22
	252/23	0	16	44
	252/22	0	3	62
	252/30	0	27	31
	252/61	0	8	56
	252/66	0	19	00
	252/67	0	2	10
	252/69	0	3	70
	252/68	0	19	42
	V. P. Cart track village Kalol	0	5	16
	215	0	16	89
	214	0	22	2
	252/223/p	0	10	68
	252/223/p	0	4	27
	252/223/p	0	21	46
	252/223/p	0	11	70
	252/225	0	4	64
	252/228	0	12	65
	252/230/p	0	10	35
	252/230/p	0	3	44
DHAMASAN	894	0	4	64
	898	0	14	76
	899	0	7	05

[No. 20/3/67-IOC/Lab. & Legis.(3).]

S.O. 3264.—Whereas by a notification of the Government of India in the Ministry of Petroleum & Chemicals S.O. No. 408, dated 20th January 1969 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, whereas, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

Laying pipeline (Collector Line) from well No. 1 to G T.F. side.

State: Gujarat Dist: Gandhinagar Tal: Gandhinagar

Village	Survey No.	Hectare	Are.	P. Are.
SERTHA	729/2	0	8	29
	730/3	0	23	65
	Village panchayat Road.	0	4	34
	338/2	0	9	10
	338/1	0	7	68
	338/3	0	14	76
	337	0	9	30
	335/3	0	5	86
	335/1	0	6	66
	335/2	0	8	24
	V. P. Cart track etc.	0	12	03
	4	0	25	69
	5/2	0	4	45
	6/2	0	22	76
	7/2	0	1	00
	8/2	0	3	04
	8/3	0	15	57
	8/1	0	14	76
	1375/2	0	0	50
	1375/1	0	28	93
	1375/4	0	6	27
	1375/1	0	27	26
	1375/2	0	1	50
	1374	0	2	52

[No. 20/3/67-IOC/Lab. & Legis.(4).]

ERRATA

New Delhi, the 2nd August 1969

S.O 3265.—In the notification of Government of India in the Ministry of Petroleum & Chemicals No. 20/3/67-IOC/LAB.(10) dated 12-5-1969 published under S. O. No. 1935 in the Gazette of India, Part II, Section 3, sub-section (ii) dated 24-5-1969.

1. At page No. 2075 & at village Isand

Read	*For*
"S. No. 566"	"S. No. 666"

[No. 20/3/67-IOC/Lab. & Legis.]

S.O.3266—In the notification of Government of India in the Ministry of Petroleum & Chemicals No. 20/3/67—IOC/LAB(7) dated 12-5-1969 published under S.O. No. 1932 in the Gazette of India, Part II, Section 3, Sub-section (ii) dated 24-5-1969.

1. At page No. 2011 and at village Bhoyan (Rathodni) for the area of S. No. 215/Pa.

Read	*For*
H. A P.Are	H. A. P. Are
0 12 94	12 94 00

[No. 20/3/67-IOC/Lab. & Legis.]

New Delhi, the 4th August 1969

S.O.3267—In the notification of Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals No. 29/7/68—IOC/LAB(9) dated 10-4-1969 under S.O. No. 1470 in the Gazette of Government of India Part II, Section 3, Sub-section (ii) dated 19-4-1969.

At Page No. 1381 and at village Kathwada Tal. Matar omit S. No. 306/1.

[No. 29/7/68-IOC/Lab. & Legis(a).]

S.O.3268.—In the notification of Government of India in the Ministry of Petroleum and Chemicals & Mines and Metals No. 29/7/68—IOC/BAB(7) dated 10-4-1969 under S. O. No. 1468 in the Gazette of Governmentof India Part II, Section 3, Sub-Section (ii) dated 19-4-1969.

At page No. 1378 & 1379 and at village Nawagam Taluka Matar Change areas of the following S. Nos.

Survey Nos.	Areas	
	Read	*For*
	H.A.P.Are	H.A.P.Are
1. 162/3	0 7 0	0 7 61
2. 970/1	0 6 25	0 17 42
3. 880	0 15 38	0 24 38
4. 989	0 9 56	9 9 56

[No. 29/7/68-IOC/Lab. & Legis(b).]

S. O.3269.—In the notification of Government of India in the Ministry of Petroleum and Chemicals & Mines and Metals No. 29/7/68-IOC/LAB(6) dated 10-4-1969 under S. O. No. 1467 in the Gazette of Government of India Part II, Section 3, Sub-Section (ii) dated 19-4-1969.

At page No. 1377 and at village Kathwada, Taluka Matar correct the areas as under :—

S. Nos.	Areas.
Read	*"For"*
H.A.P.Are	H.A.P.Are
152/2	0 10 0	0 19 98
127	0 3 79	0 7 58
151/1	0 10 79	0 12 79
151/2	0 4 95	0 4 05
149/1	0 0 62	0 1 95

(*ii*) And *Read* BC—15 to G.G.S. II *for* BC—15 & DBDF—38 to G.G.S. II.

[No. 29/7/68-IOC/Lab. & Legis (c).]

S.O.3270—In the notification of Government of India in the Ministry of Petroleum and Chemicals and Mines & Metals No. 29/7/68—IOC/LAE(2) dated 10-4-1969 under S. O. No. 1463 in the Gazette of Government of India Part II, Section 3, Sub-section (ii) dated 19-4-1969.

1. At page No. 1374-75 and at village Kathwada for the area of S. No. 165/1

Read	*For*
H.A.P.Are	H. A. P. Are
0 18 60	0 8 09

2. And omit the following S. Nos.

S. No.—Road . 190/2P
165/2
190/2

[(No. 29/7/68-IOC/Lab.& Legis (d).]

M. V. S. RRASADA RAU, Under Secy.

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 2nd August 1969

S.O. 3271.—Whereas the Central Government was satisfied that Messrs Sunabeda Carpentry Unit, Orissa Small Industries Corporation was situated in Sunabeda area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Koraput in the State of Orissa;

And, whereas by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employer's special contribution under section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3402 dated the 26th September, 1968;

And whereas the Central Government is satisfied that the insurable population of the Sunabeda area in the district of Koraput in the State of Orissa has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the said notification, namely:—

In the Schedule to the said notification, Serial No. 4 relating to the district of Koraput and the entries relating thereto shall be omitted.

[No. F. 6/12/68-HI]

New Delhi, the 5th August 1969

S.O. 3272.—Whereas the Central Government is satisfied that the employees' of Paharpur and Budge Budge Installations in West Bengal of the Indian Oil Corporation Limited are in receipt of benefits similar to those provided under the Employees' State Insurance Act, 1948 (34 of 1948);

Now, therefore, in exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the said installations from all the provisions of the said Act for a period of one year from the date of publication of the notification in the Official Gazette.

[No. F. 6(43)/69-HI.]

S.O. 3273.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2585, dated the 11th July,

1968, the Central Government having regard to the location of the factory, namely, the Haffkine Institute Farm, Pimpri, (near Poona) in an implemented area, hereby exempts the said factory from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from 2nd July, 1969.

[No. F. 6(55)/69-HI.]

S.O. 3274.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948) and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 4030 dated the 31st October, 1968, the Central Government, having regard to the location of Messrs Instrumentation Limited, Kota, in an implemented area, hereby exempts the said factory from payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 27th August, 1969 upto and inclusive of the 26th August, 1970.

[No. F. 6/61/68-HI.]

S.O. 3275.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948) and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2926, dated the 14th August, 1968, the Central Government, having regard to the location of the factory namely, the Laundry Plant at the Medical College and Hospital, Nagpur, hereby exempts the said factory from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 5th August, 1969 upto and inclusive of the 4th August, 1970.

[No. F. 6(72)/68-HI.]

S.O. 3276.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 4276, dated the 22nd November, 1968, the Central Government having regard to the location of the Central Jail Industrial Section, Central Jail, Madras, in an implemented area, hereby exempts the said factory from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from 12th August, 1969 upto and inclusive of 11th August, 1970.

[No. F. 6(95)/68-HI.]

New Delhi, the 7th August 1969

S.O. 3277.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the seasonal nature of the industry carried on in the factories which are exclusively engaged in wool-pressing either with or without cotton pressing and ginning, hereby exempts the said factories from the payment of the employers' special contribution leviable under Chapter VA of the said Act for a further period of six months upto and inclusive of the 31st December, 1969.

[No. F. 7/1/68-HI.]

DALJIT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 2nd August 1969

S.O. 3278.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Advance Insurance Company Limited, Calcutta and their workmen, which was received by the Central Government on the 29th July, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 29 OF 1969

PARTIES:

Employers in relation to the Advance Insurance Company Limited, Calcutta.

AND

Their workmen.

PRESENT:

Shri B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Employers—Sri Saumen Kumar Ghosh, Advocate.

On behalf of Workmen—Sri Pradip Ranjan Paul, Vice-President, Eastern Zone Insurance Employees' Association.

STATE: West Bengal INDUSTRY: Insurance.

AWARD

By Order No. 25/1/69-LRIII, dated March 22, 1969, the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to the Advance Insurance Company Limited, Calcutta, and their workmen to this tribunal, for adjudication, namely:

> "Whether the action of the management of Messrs Advance Insurance Company Limited, Calcutta in terminating the services of (1) Sri A. P. Chowdhury, (2) Shri N. G. Bhowmik, (3) Shri S. K. Bagchi, (4) Shri P. K. Guha Roy and (5) Shri S. Pramanik, Assistants with effect from the 30th November, 1968 is justified? If not, to what relief are the workmen entitled?"

2. Both the parties filed their respective written statements. To-day was the date fixed for peremptory hearing. Both the parties examined one witness each. During the course of evidence it transpired that the Calcutta business of the Advance Insurance Company Limited stood closed or purportedly closed as the workman stated. When this information was placed on the record, Mr. Pradip Ranjan Paul, representing the General Insurance Employees' Association, Eastern Zone, filed an application praying for withdrawal of the present dispute with liberty to rise a more comprehensive dispute on retrenchment-*cum*-closure. That prayer was not opposed.

3. I allow the prayer. The present dispute raised on behalf of the workman shall be treated as withdrawn with liberty to raise a future dispute on more comprehensive line as indicated in the petition of withdrawal. The petition of withdrawal will be treated as part of this award.

(Sd.) B. N. BANERJEE,
Presiding Officer.

Dated, July 23, 1969.

BEFORE THE HON'BLE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, CALCUTTA

In the matter of Reference No. 29 of 1969

BETWEEN

The Employers in relation to the Advance Insurance Co. Ltd., p. 38, India Exchange Place, Calcutta-1 (Registered office—251, Dr. Dadabol Naoraji Road, Fort, Bombay-1).

AND

The workmen represented by the General Insurance Employees Association 24-Chitta Ranjan Avenue, Calcutta-12.

The humble petition for and on behalf of the retrenched workmen Sarvashree A. P. Chowdhury, N. G. Bhowmick, S. K. Bagchi, P. K. Guha Roy and S. Pramanick, most respectfully *sheweth*:

1. That during pendency of the above matter before the Hon'ble Tribunal, the Employer of Messrs Advance Insurance Co. Ltd. is making

attempt to close down/or wind up/or at least stop underwriting any further business in its Calcutta Branch.

2. That the purported closing-down of the Calcutta office is believed to be designed to cover up and to avoid the consequences of illegal retrenchment which is pending before this Hon'ble Tribunal.

3. That in view of the purported closure of Calcutta Branch, the General Insurance Employees Association desires to raise a more comprehensive industrial dispute in the aforesaid matter.

4. That under the circumstances the Association craves of the Hon'ble Tribunal to withdraw the reference with liberty to raise a fresh dispute afterwards.

And for this act the petitioners will remain ever grateful.

Signed this the 23rd day of July, 1969.

(Sd.) BHUPEN DAS
General Secretary,
General Insurance Employees' Association.

[No. 25/1/69-LR.IV(LR.I).]

ORDERS

New Delhi, the 5th August 1969

S.O. 3279.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri P. N. Thukral shall be the Presiding Officer, with headquarters at Faridabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the management of the Punjab National Bank Limited, Rewari was justified in terminating the services of Shri Prem Prakash Sikka with effect from the 21st July, 1968? If not, to what relief is the workman entitled?"

[No. 23/35/69/LRIII.]

S.O. 3280.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the National and Grindlays Bank Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of the National and Grindlays Bank Limited, Calcutta, in refusing to pay to the following 24 workmen of the Bank for the period of token strikes on 1st, 3rd, 5th, 7th and 20th August, 1968 was justified? If not, to what relief are they entitled?

1. Shri Radhe Shyam Tripathi.
2. Shri Ghanshyam Tewari.
3. Shri Radhe Shyam Lal.
4. Shri Dukh Chhore Bari.

5. Shri Babban Bania.
6. Shri Prasad Singh.
7. Shri Ram Deo Tewari.
8. Shri Rameshwar Bania.
9. Shri Raja Ram Singh.
10. Shri Ram Adhar Singh.
11. Shri Ram Harakh Choubey.
12. Shri Ram Singh.
13. Shri Satya Narayan Singh.
14. Shri Harihar Tewari.
15. Shri Banke Behari Lal.
16. Shri Ram Kripal Pandey (2)
17. Shri Kedarnath Pandey.
18. Shri Raghunandan Prasad.
19. Shri Benipal Singh.
20. Shri Gouri Shankar (1).
21. Shri Kripa Shankar.
22. Shri Mahabir Ram.
23. Shri Ganga Prasad Bania.
24. Shri Jagdish Pandey."

[No. 23/38/69/LRIII.]

S.O. 3281.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Central Bank of India Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri P. P. R. Sawhny shall be the Presiding Officer, with headquarters at Chandigarh and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management of the Central Bank of India Limited, Chandigarh in terminating the services of Shri Kasturi Lal with effect from the 27th November, 1967 was justified? If not, to what relief is he entitled?"

[No. 23/72/69/LRIII.]

S.O. 3282.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of the Punjab National Bank Limited, New Delhi was justified in terminating the services of Shri C. R. Ahluwalia, Clerk of the Jorbagh Branch of the Bank with effect from the 22nd January, 1967? If not, to what relief is he entitled?

[No. 24/19/69/LRIII.]

S. S. SAHASRANAMAN, Under Secy.

(Department of Labour and Employment)

New Delhi, the 7th August 1969

S.O. 3283.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the Jamadoba Colliery of Messrs. Tata Iron and Steel Company Limited, Post Office Jealgora, District Dhanbad, and their workmen, which was received by the Central Government on the 25th July, 1969.

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD

REFERENCE No. 46 OF 1968

PRESENT:

Shri Sachidanand Sinha, M A M L. Presiding Officer.

PARTIES:

Employers in relation to the Jamadoba Colliery

Vs.

Their Workmen.

APPEARANCES:

For Employers.—Shri L. H. Parvatiyar, L.A.

For Workmen.—Shri H. N. Singh, Vice President, Koyala Mazdoor Panchayat.

INDUSTRY: Coal STATE: Bihar

Dhanbad, dated the 4th of July 1969

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Jamadoba colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jealgora, District Dhanbad and their workmen, by its order No. 2(131)/66-LRII dated the 26th September, 1966 referred to the Central Government Industrial Tribunal, Dhanbad under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The Schedule is extracted below :—

SCHEDULE

"Whether the management of the Jamadoba colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jealgora, District Dhanbad was justified in terminating the lien of Shri Babu Lal, Miner, and placing his name in the 'Badli' list with effect from 8th June, 1966?

If not, to what relief is the workman entitled?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 138 of 1966 on its file. While it was pending there, the Central Government by its order No. 8/25/67-LRII dated the 8th of may, 1967 transferred the dispute to the Central Government Industrial Tribunal No. 2, Dhanbad where it was registered as reference No. 175 of 1967. The Central Government, by its subsequent order No. 8/71/68-LRII dated the 13th of August, 1968 transferred the dispute to this Tribunal and here it has been renumbered as reference No. 46 of 1968.

3. The employers filed written statement on 30th January, 1967. Their case is that Sri Babulal, Miner was granted 21 days leave with effect from 25th April, 1966 to 15th May, 1966 on the ground of illness of his son. A medical certificate dated 9th May, 1966 was received at the colliery on 17th May, 1966 wherein it was stated that absence for duty for one month (30 days) was absolutely necessary for restoration of Babulal's health. A certificate from the Gram Panchayat dated 6th June, 1966 was also received on 15th June, 1966 to the effect that Sri Babulal was seriously ill and will try to go after recovery. However, these certificates were not accompanied by any application for extension of leave from Sri Babulal. The Manager of Jamadoba colliery informed Sri Babulal by letter dated 25th/26th

May, 1966, that no extension of the leave had been granted and he was being marked absent from 16th May, 1966 and necessary action would be taken against him as per Company's Standing Order.

4. Sri Babulal did not return within 8 days of the expiry of the leave orginally granted to him and offer explanation to the satisfaction of the Manager of his inability to return. he automatically lost lien on his appointment and was kept in the Badli list. He was informed accordingly by letter dated 8th June, 1966.

5. Sri Babulal came to the colliery and made an application on 15th June, 1966 to join his duties stating that he had a sun stroke and was admitted in the Hospital. Since his application contradicted the medical certificate sent by him and also the certificate of the Gram Panchayat, these certificates could not be accepted on their face value. According to the management under the aforesaid circumstances the employers were justified in terminating the lien of Shri Babulal, Miner and placing him in Badli list He is therefore, not entitled to any relief.

6. Koyala Mazdoor Panchayat, Jharia filed written statement on behalf of the concerned workman on 11th October, 1966. Their case is that Sri Babulal, miner was granted 21 days leave with effect from 25th April, 1966. In the event of this granted leave, he proceeded to his village home in the District of Jaunpur. He fell ill at his village home and sent an application for extension of his leave on 9th May, 1966 by registered post with a medical certificate from the Medical Officer Incharge of P.H.U.M. Badshahpur in the District of Jainpur which was received by the management on 17th May, 1966. The management on 25th/26th May, 1966 replied to his application refusing extension of his leave on the ground that his leave application has not been submitted alongwith a certificate from the Mukhia of the Gram Panchayat, Shri Babulal, the concerned workman received this letter on 1st June, 1966 and he got a certificate from the Mukhia of the Gram Panchayat on 7th June, 1966 and sent it by registered post on 7th June, 1966. On recovery he got another fitness certificate from the same Doctor on 12th June, 1966 and a certificate from the Mukhia of his Gram Panchayat on 13th June, 1966 and presented himself at the colliery on 15th June, 1966 and requested the management to allow him to resume duty. But the management refused him to join his duty on the ground of overstaying his leave for more than 8 days. According to the union a grave injustice has been done to this worker by refusing him to resume his duties in spite of all diligent care by the workman to inform the management about his illness supported by two certificates. *i.e.*, one from the Medical Officer of the area and the other from the Mukhia of the Gram Panchayat. Therefore, the union claimed that Sri Babulal, miner be reinstated on his original job with continuity of service and full back wages.

7. The management examined Sri T. P. Prasad, the then Personnel Officer of the management. The management exhibited 10 items of documents which are marked Ext. M-1 to M-10 and 5 items of documents were exhibited on behalf of the Union which are marked as Ext. W-1 to W-5.

8. The point for consideration is whether the management was justified in terminating the lien of the concerned workman Sri Babulal, miner and placing his name in the Badli list with effect from the 8th of June, 1966.

9. The concerned workman Sri Babulal, miner was granted earned leave for 21 days with effect from 25th April, 1966 to 15th May, 1966 (Ext. M-1). He did not return to duty on the expiry of leave. On the other hand he sent a medical certificate granted by Dr. B. N. Singh, M.B.B.S., P.M.S., Medical Officer incharge Mungrabadshahpur Dispensary, Jaunpur (*vide* Ext. M-2). This medical certificate is dated 9th May, 1966 and was received by the management on 17th May, 1966. In this medical certificate the Medical Officer had recommended for one month's (30 days) leave. The management by letter dated 25th/26th May, 1966 (Ext. M-4) informed the concerned workman that his prayer for extension of leave was not granted, since he did not send any certificate from the Mukhia of the Gram Panchayat nor any application to this effect. He was therefore, accordingly informed that he was being marked absent from 16th May, 1966. After the receipt of this letter the concerned workman Sri Babulal, miner sent the certificate of Hiralal, Pradhan of the Gram Panchayat. This certificate issued by the Pradhan of the Gram Panchayat is dated 6th June, 1966. It appears that it was received by the management on 15th June, 1966. Sri Babulal, miner appeared in person on 15th June, 1966 and filed application (Ext. M-7) and prayed for permission to join his duty. But the management refused to allow him to join his duty on the ground that the leave was granted to him upto 15th May, 1966 and since he did not resume his duty though more than 8

days have passed after the expiry of the leave, he lost his lien of his job and his name has been struck off from the permanent rolls and is being entered into the list of 'Badlis' according to clause 9 of the Standing Order of the Company.

10. For justification of their case the management had relied on clause 9 of the Standing Order which runs as follows:

"Any direct employee of the Company other than a miner or loader who desires to obtain leave of absence shall apply in writing to the Head of his Department or the Manager of the colliery. Employees who due to illiteracy do not apply in writing must apply verbally. If the employee remains absent beyond the period of leave originally granted or subsequently extended he shall lose his lien on his appointment unless :

(i) he returns within this 8 days of the expiry of the leave except those who have enjoyed the privilege of 30 days so far; and

(ii) gives an explanation to the satisfaction of the Manager of his inability to return before the expiry of leave In case the employee loses his lien on the appointment he shall be entitled to be kept on the 'Badli' list.

11. The management has also relied on the National Engineering Industries' case [1967 (2) L.L.J., page 883] where Wanchoo, C.J. said "when the standing order provides that a workman will lose his lien on his appointment, in case he does not join his duty within 8 days of the expiry of his leave, it obviously means that the services are automatically terminated on the happening of the contingency. We do not understand how a workman who has lost his lien on his appointment can continue in service thereafter. Where therefore, a Standing Order provides that a workman would lose his lien on his appointment, if he does not join his duty within the certain time after his leave expires, it can only mean that his service stands automatically terminated when the contingency happens."

12. According to the Union the concerned workman submitted the medical certificate as well as the certificate of Mukhia as required by the management. The medical certificate (Ext. M-2) is granted by Dr. B. N. Singh, M.B.B.S., P.M.S., the Medical Officer incharge of the Mungrabadshahpur Dispensary. According to this medical certificate he was suffering from fever, cough and some chest infection which was suggestive of S P. Bron, and Tuberculosis. The certificate of the Mukhiya simply state that the concerned workman Shri Babulal, miner was lying seriously ill. The concerned workman Shri Babulal, miner was never informed in writing by the management that the medical certificate and the certificate granted by the Mukhiya of the Gram Panchayat were not accepted as they were spurious documents. Before me it was submitted that in his application (Ext M-7) for permission to resume duty the concerned workman Shri Babulal, miner has stated that he had a sun stroke and was admitted in the Hospital. But according to the medical certificate (Ext. M-2) he was suffering from chest trouble and fever. On account of contradiction in the joining report (Ext. M-7) and the medical certificate (Ext. M-2) the management doubted the genuineness of the medical certificate and did not consider the explanation satisfactory. But it is to be noted that the management had terminated his services from the permanent rolls on the 8th of June, 1966 whereas the application for permission is dated 15th June 1966. Moreover, there is no apparent contradiction. In the joining report, he simply states the cause of his illness which was sun stroke. The medical examination revealed that he was suffering from fever as well as chest infection. Apparently there is no contradiction between the medical certificate (Ext. M-2) and the joining report (Ext. M-7).

13. According to the management they did not consider the explanation of the concerned workman Babulal, miner as satisfactory. According to them it is a case of automatic termination of service for over-staying leave without satisfactory explanation. The stand of the management is that this tribunal has no power to sit in appeal on the merits upon the management's decision in not accepting the explanation offered by the concerned workman. According to the management the standing order requires the satisfaction of the management and so the tribunal cannot at all look into the explanation offered, at least for the purpose of examining its merit and substitute its own opinion for the opinion of the management.

14. The power of the management to direct its internal administration, which includes the enforcement of discipline of the personnel, cannot be denied; but with the emergence of modern concepts of social justice, it is now recognised that an employee should be protected against vindictive or capricious action on the part

of the management which may affect the security of his service. In other words the industry should be efficiently managed and industrial peace should be maintained but at the same time an industrial worker must be placed in such a position that the security of his service may not depend upon the caprice or arbitrary will of the employer. Arbitrary conduct or unnecessary harshness on the part of the employer, judged by the normal standard of a reasonable man, may be cogent evidence of victimistation or unfair labour practice.

15. I therefore, come to the conclusion that this tribunal is at liberty to examine the explanation offered by the concerned workmen for his absence and other circumstances also for the purpose to see whether the management acted with an honest purpose. In such cases the requirement bona-fide is essential. Therefore, the important point for consideration is whether there was want of bonafides on the part of the manager of his act was arbitrary, judged according to the standard of a reasonable man.

16. As already stated above the action of the management in not accepting the medical certificate or the certificate of the Gram Panchayat was arbitrary, because the management did not charactarise the certificate granted by the medical practitioner and Mukhiya as spurious. Both the Medical Officer and the Mukhiya of the Gram Panchayat had certified that the concerned workman Sri Babulal, miner was sick during the relevant period.

17. In this view of the case I am of the opinion that the action of the management in not accepting the medical certificate or the certificate of the Mukhiya of the Gram Panchayat was arbitrary.

18. I therefore, hold that the action of the management in terminating the lien of Shri Babulal, miner and placing his name in the 'Badli' list with effect from 8th June, 1966 was not justified and therefore, Shri Babulal, miner, the concerned workman shall be paid leave wages and allowances admissible to him between the period from 25th April, 1966 to 14th June, 1966 and he is entitled to be reinstated with full back wages from 15th June, 1966 upto the date of his reinstatement along with continuity of service.

(Sd.) SACHIDANAND SINHA,

Presiding Officer.

[No. 2/131/66-LRII.]

S.O. 3284.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Alkusha Gopalpur Colliery, Post Office Samdi, District Burdwan and their workmen, which was received by the Central Government on the 26th July, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 27 OF 1969

PARTIES:

Employers in relation to the management of Alkusha Gopal Colliery,

AND

Their workmen.

PRESENT:

Shri B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Employers—Shri K. K. Maitra, Vice-President, Assam, West Bengal, Orissa & Bihar Employers' Association.

On behalf of Workmen—Shri K. S. Roy, Vice-President, Colliery Mazdoor Sabha.

STATE: West Bengal INDUSTRY: Coal Mines

AWARD

By Order No. 6/4/69-LRII, dated March 14, 1969, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute between the

employers in relation to the management of Alkusha Gopalpur Colliery and their workmen, to this tribunal, for adjudication, namely:—

"Whether the management of the Alkusha Gopalpur Colliery, Post Office Samdi, District Burdwan was justified in stopping Sri Basist Singh, Chaprasi from work with effect from the 27th August, 1968? If not, to what relief is he entitled?"

2. It is an undisputed fact that Alkusha Gopalpur Colliery is owned by a Limited company of the name of Khanna Commercial Corporation (Private) Limited. In this reference the management exhibited exceedingly lethargic conduct. They filed their written statement only two days before the date fixed for peremptory hearing. The conduct exhibited on behalf of the workmen was worse. They did not file their written statement nor even care to apply for extension of time to file the same until the last moment, when the case was actually taken up for hearing. That application was, however, rejected.

3. The written statement filed on behalf of the employer company is short and categoric. I need set out only two paragraphs from the said statement:

"3. That during conciliation of the alleged dispute the employer by its letter dated 29th November 1968 clearly pointed out to the Assistant Labour Commissioner (Central), Asansol that no such person by the name of Basist Singh was ever employed in Alkusha Gopalpur Colliery as Chaprasi. During conciliation the employer also produced payment vouchers for the period from January 1968 to July 1968 to prove that no person by the name of Basist Singh was ever employed by the Colliery.

4. That Shri Basist Singh not being a workman there is no question of stopping him from employment from 27th August, 1968."

4. The failure report submitted by the Conciliation Officer was marked as Exhibit (Ext. 7) by consent. I need set out the following extract from that report, in order to take note of the version of the concerned workman from the very beginning:

"The representative of the union reiterated his stand that Sri Basist Singh was working in the colliery since 1962 and was stopped from work illegally. In support of this statement, the union representatives produced Svs. Jagnarain Thakur, Baldev Rai, Mining Sirdar and Under-ground Trammer respectively. Both the workmen were examined and they stated that Basist Singh was working as a Darwan/Chaprasi and used to work as a Magazine Guard.

The workman, therefore, according to the union should be reinstated with wages from the date he was stopped from work."

The same stand was taken before this Tribunal as well.

5. Before this tribunal two volumes of Form B registers (Exts. 2 and 3), maintained under Section 48 of the Mines Act for the year 1968 was produced. Also produced were three volumes of Form E registers of "employees above ground" (Exts. 4, 5 and 6) for the periods December 31, 1967 to April 6, 1968, July 4, 1968 to September 14, 1968 and March 31, 1968 to July 13, 1968. These documents were sought to be proved by the only witness examined on behalf of the management, namely, Sasanka Mohan Bhattacherjee, the Colliery Manager. The object of producing the documents was to establish before the Tribunal the version that no person of the name of Basist Singh ever worked in the colliery either as alleged or at all.

6. The appearance of the register, Ext. 3, appeared to me to be doubtful reliability. I therefore put certain questions to the witness for the employer and got very damaging admissions from him. Ext. 3 is said to be a continuation of Ext. 2 and Serial number begins from No. 128. The date of commencement of employment of the employee, whose name is written against Sl. No. 128, was at first written as "2nd April 1967". The date was scored out and changed into "1st February 1968". Similarly, the date of commencement of employment of the employee, whose name is written against Sl. No. 134(a), was originally written "3rd February 1967" and was changed into "1st February 1968" later on. Then again, against Sl. No. 137 the date was originally written as 30.11 (possibly 67) and this was changed into 5th February 1968. Also the date of commencement of employment of the employee against Sl. No. 142 was changed from 29th November 1967 to 6th February 1968. Lastly, the entries against Sl. Nos. 146 to

154 were 29th November 1967. They were changed to 6th February 1967. When these interpolations were brought to the notice of the witness, he had to admit them. The following question was thereafter put to him and the following answer obtained:

"Question: Witness will you now admit that Ext. 3 has not been truly prepared according to Section 48 of the Mines Act?

Answer: I admit that Ext. 3 has not been truly prepared in accordance with the provisions of Section 48(3) of Mines Act."

I need not multiply instances of interpolations in the book. There are many more than what I have described above. Now, falsehoods not only quarrel with the truth but they quarrel amongst themselves. The same thing has happened in this case. Although large scale falsification was indulged in to give Ext. 3, a register of 1967, the appearance of the register for the year 1968, the dates and the months against Sl. Nos. 146 to 154 were changed but the falsifier forgot to change the year and the year remained the year 1967 and this forgetfulness contained the most revealing evidence that the book was of the year 1967 and not of the year 1968. What I need to say is that Sub-sections (1), (2) and (3) of Section 48 of the Mines Act require:

"(1) For every mine there shall be kept in the prescribed form and place a register of all persons employed in the mine showing in respect of each such person—

(a) the name of the employee with the name of his father or, of her husband, as the case may be, and such other particulars as may be necessary for purposes of identification;

(b) the age and sex of the employee;

(c) the nature of employment (whether above ground or below ground, and if above ground, whether in open cast workings or otherwise) and the date of commencement thereof;

(d) in the case of an adolescent, reference to the certificate of fitness granted under Section 40;

(e) such other particulars as may be prescribed;

and the relevant entries shall be authenticated by the signature or the thumb impression of the person concerned.

(2) The entries in the register prescribed by sub-section (1) shall be such that workers working in accordance therewith would not be working in contravention of any of the provisions of this Chapter.

(3) No person shall be employed in a mine until the particulars required by sub-section (1) have been recorded in the register in respect of such person and no person shall be employed except during the periods of work shown in respect of him in the register."

Therefore, entries under column 10 (date of commencement of employment) should have been made simultaneously with the appointment. If that was being made in Ext. 3, then appointments of 1968 could not precede the appointment sof 1967. as the register revealed. The witness for the management had in these circumstances to admit htat Ext. 3 had not been truly prepared. If that be so, the fact that the said book does not contain the name of Basist Singh is not a matter of consequence at all.

7. Turning to the registers in Form E (Exts. 4, 5 and 6), I need remember that, according to the witness for the management, night guards are called chaprasis in the colliery. If Basist Singh was a chaprasi, then his duties were that of a night guard and his name was likely to appear in the night attendance register kept in form E. The registers that were produced were all registers of day time workmen. The witness for the management admitted:

"These Exhibits 4, 5 and 6 covered day workers. They do not cover the chaprasis who work in the night. The night registers have not been produced."

The reason for not producing the night registers, which are the only relevant registers in this context, have not been explained. In these circumstances, I think I would be justified in presuming that evidence of the night registers which could be and were not produced would, if produced be unfavourable to the employers who withheld them. The position thus is that the documentary evidence produced by the employer company are of no assistance in this matter to me. They do not go to establish that a chaprasi of the name of Basist Singh do not work in the colliery, either as alleged or at all.

8. I am now left with the oral evidence of the colliery Manager. He no doubt said :

"In the colliery there was nobody known as Basist Singh employed as a chaprasi.

To Tribunal.—In July 1968 there was no chaprasi in the colliery. I know of a workman of the name of Ekbal Singh. He is a chaprasi but he works as a night guard. I do not understand the difference between the chaprasi and night guard. Ekbal Singh is chaprasi but works as night guard.

Examination in chief contd.—Night guard and chaprasi both belong to the same category. In my knowledge duty of a chaprasi and duty of a night guard are the same duties."

This witness was employed as the Manager of the concerned colliery only in July 1968 and stopping of Basist Singh from work as alleged to have taken place from August 27, 1968. The colliery employs a large number of workmen. It was much too early for the Manager to know all night guards and chaprasis by name, within the short time after his appointment. His knowledge is derivative knowledge from books and registers. Those registers, I have already observed, are either unreliable or irrelevant documents. I am not prepared therefore to place much reliance on the categoric denial by this witness that nobody of the name of Basist Singh at all worked in the colliery.

9. Then again, there is another aspect. The colliery covers about 33 acres of land. The office of the colliery, which contains important documents, is situate within this area. There are valuable properties lying in the open within thts area, namely, pumps, coal tubs, etc. The witness admitted that it was always risky to run the work with one night guard only. He went further and said that he suggested to the Directors to employ more night guards but they did not pay any heed to his request. I am unwilling to believe that a colliery of the magnitude of the concerned colliery was worked with only one night guard or chaprasi as I am asked to do. Lastly, I am not impressed by the evidence of this witness. He tried to pass off fabricated or falsified documents as genuine ones and only broke down under stress of questionings.

10. Thus the position is that the employers have not been able to prove the case pleaded. Mr. Moitra, who appeared for the employer, however, contended that the workman must prove in the affirmative that he used to be employed as a chaprasi under the concerned colliery. If he failed to discharge that onus, he must not aspire for any relief at all. Mr. Kalyan Shankar Roy, for the workmen, however, contended that in the circumstances of the case, it was impossible for the workman to produce any documentary evidence. Admittedly, the workman never received any letter of appointment. The documents which would go to show that he was in the employ of the concerned colliery were in the possession of the employers and they merely produced untrustworthy or unreliable documents. He submitted that the paysheets for the months of July and August 1968 would have shown that there was a chaprasi known as Basist Singh, who was receiving the wages from the employer colliery. Those paysheets were not produced. This non-production was, however, explained on behalf of the employer with the excuse that those documents were in the custody of the Regional Labour Commissioner, Asansol, in connection with another case. This may be so, and I do not make much of withholding of these documents.

11. But even then the question remains for me why false or irrelevant documents were produced before me in order to prove that there was no workman of the name of Basist Singh in the colliery. Is it because that the relevant and true documents would have shown that the name of Basist Singh was there? These are speaking circumstances. There is no doubt now that Ext. 3 is a false document and Ext. 4, 5 and 6 are irrelevant documents. The circumstances point to the fact that the true and relevant documents would not serve the purpose of the employers. They are consistent with one hypothesis that the employers are hiding a fact from the tribunal. They point to one conclusion that the version of the workman is true and that there was really a workman of the name of Basist Singh working in the colliery. If there was such a workman then there is no explanation for stopping him from work.

12. In the view that I take, I hold that the management of Alkusha Gopalour Colliery was not justified in stopping Sri Basist Singh, Chaprasi, from work with effect from 27th August, 1968. He is, therefore, entitled to reinstatement. There is no evidence whether the workman was unemployed during his period of enforced idleness. Therefore, I do not make any award for back wages.

13. The document, Ext. 3, is to be retained in this office for a period of three months from to-day.

This is my award.

Dated, July 21, 1969.

(Sd.) B. N. BANERJEE,

Presiding Officer.

[No. 6/4/69-LRII.]

S.O. 3285. In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Pure Searsole Colliery, Post Office Searsole Rajbari District Burdwan (West Bengal) and their workmen, which was received by the Central Government on the 2nd August, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 36 OF 1969

PARTIES:

Employers in relation to the management of Pure Searsole Colliery,

AND

Their Workmen

PRESENT :

Shri B. N. Banerjee, Presiding Officer.

APPEARANCES :

On behalf of Employers—Shri R. N. Choudhury, Labour Adviser.

On behalf of Workmen—Shri D. K. Ghosh, Adviser of the Union.

STATE: West Bengal. INDUSTRY: Coal Mines.

AWARD

By Order No. 6/6/69-LR. II, dated April 14, 1969, the Government of India, in the Ministry of Labour and Employment and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to the management of Pure Searsole Colliery and their workmen, to this tribunal, for adjudication, namely:

> "Whether the management of Pure Searsole Colliery, Post Office Searsole, Rajbari District Burdwan (West Bengal) was justified in suspending Shri Mohd. Khalil, Fitter helper for 10 days without pay with effect from the 2nd March, 1968 and subsequently dismissing him from the 22nd June, 1968? If not, to what relief is the workman entitled?"

2. The contending parties filed their written statements but at the peremptory hearing to-day, they filed a petition of compromise thereby settling their dispute and praying for an award in terms of compromise.

3. Now that the dispute has been settled on the basis of the compromise, I make an award in terms of the petition of compromise. Let the petition of compromise form part of this award.

Dated, July 28, 1969

(Sd.) B. N. BANERJEE,

Presiding Officer.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 36 OF 1969

PARTIES:

Employers in relation to tre Pure Searsole Colliery

AND

Their workmen represented by Colliery Mazdoor Sabha.

The humble petition of the parties above named most respectfully

SHEWETH:

That the dispute between the workmen represented by the Colliery Mazdoor Sabha and the management of Pure Searsole Colliery over the suspension and ultimate dismissal of Shri Mohd. Khalil is settled on the following terms:

(i) Shri Mohd. Khalil will forfeit his wages for the period of his idleness during the operation of the orders of his suspension and dismissal.

(ii) Shri Mohd. Khalil will be reinstated in his post as Fitter helper with effect from 1st August, 1969.

(iii) The charge dated April 27, 1968 against Sri Mohd. Khalil will not be further proceeded with.

(iv) Mr. Robin Chatterjee, Vice-President of the Colliery Mazdoor Sabha, (AITUC), undertakes to see that in future Sri Mohd. Khalil works loyally as a workman in the duties which he is lawfully to perform in his post as Fitter helper.

(v) Notwithstanding the views herein contained the service of the workman Shri Mohd. Khalil shall be treated as uninterrupted service.

The petitioners, therefore, most respectfully pray that the Honourable Tribunal would be pleased to pass an award in terms of the compromise as above and for this Act of kindness the petitioners will remain ever-pray.

Dated: July 28, 1969.

Sd./- Illegible — Sd./- Illegible

Sd./- Illegible — Sd./- Illegible

Sd./- Illegible

Sd./- Illegible

[No. 6/6/69-LR. II.]

New Delhi, the 8th August 1969

S.O. 3286.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jaipur, in the industrial dispute between the employers in relation to the management of Messrs Bikaner Gypsums Limited, Bikaner and their workmen, which was received by the Central Government on the 31st July 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, RAJASTHAN, JAIPUR.

PRESENT:

Shri Gopal Narain Sharma, Presiding Officer.

CASE NO. CIT-14 OF 1969

REF.:—Government of India, Ministry of Labour, Employment and Rehabilitation, New Delhi Order No. 24/19/67/LRI, dated 7th August, 1967 and No. 24/34/68-LRI, dated 28th November, 1968.

In the Matter of an Industrial Dispute

BETWEEN

Shri Sohanlal Jain, Clerk/Supervisor.

AND

The Management of Bikaner Gypsums Limited, Bikaner.

Date of Award: 1st *May*, 1969.

AWARD

The Central Government by its order dated 28th November 1968 referred the following dispute between the employers in relation to the Bikaner Gypsums Limited, Bikaner and their workmen represented by the Gypsum Mine Workers Union to this Tribunal for adjudication :—

"Whether the action of the management of Bikaner Gypsums Limited, Bikaner in terminating the services of Shri Sohan Lal Jain Clerk/Supervisor with effect from 1st April, 1967 was legal and justified? If not, to what relief, is he entitled?"

During the pendency of proceedings both the parties mutually settled the dispute in the following terms and prayed for passing an award in terms thereof :—

(1) That the workman will be paid the retrenchment compensation for the period of two years he had earlier served the Company at the prescribed rates under Section 25 of the I. D. Act, 1947 within one month from the date of this settlement in full and final settlement of this case.

(2) That it is further agreed that the management shall give him reemployment in the clerical cadre as a clerk or supervisor with effect from 1st July, 1969.

(3) That he workman shall be liable to be posted at any office, Mines or place of loading operation of Company.

The settlement appears to be just and fair. Hence an award in terms of the settlement mentioned above is passed. It may be submitted to the Government for publication.

(Sd.) GOPAL NARAIN SHARMA,
Presiding Officer,
Central Government Industrial Tribunal,
Rajasthan, Jaipur.

[No. 24(19)/67-LRIV.]

ORDERS

New Delhi, the 7th August 1969

S.O. 3287.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Kharkharee Colliery of Messrs Bharat Mining Corporation Limited, Post Office Kharkharee, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Kharkharee Colliery of Messrs Bharat Mining Corporation Limited, Post Office Kharkharee, District Dhanbad in refusing employment to Sarvashri Sona Ram Gope and Ram Prasad Rewani, Prop Mistries with effect from the 18th August, 1968 and the 16th July, 1968 respectively is justified? If not, to what relief are the workmen concerned entitled?

[No. 2/113/69-LRII.]

S.O. 3288.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Newton Chickly Colliery, Post Office Parasia, District Chhindwara (Madhya Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Messrs Newton Chickly Colliery, Post Office Parasia, Madhya Pradesh has obtained resignation from Shri T.E.R. Chetty, Medical Officer fraudulently on the 19th October, 1967? If so, to what relief is Shri T.E.R. Chetty entitled?

[No. 5/20/68-LRII.]

P. C. MISRA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 4th August 1969

S.O. 3289.—The following draft of a notification which the Central Government proposes to issue, in exercise of the powers conferred on it by sub-section (2) of section 26 of the Minimum Wages Act, 1948 (11 of 1948), is hereby published for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 3rd October, 1969.

Any objections or suggestions which may be received from any person in respect of the said draft before the date so specified will be considered by the Central Government.

Draft

In exercise of the powers conferred by sub-section (2) of section 26 of the Minimum Wages Act, 1948 (11 of 1948) and in continuation of the notification of the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 4168 dated the 16th November, 1968, the Central Government, having regard to the special regulations that have been framed in respect of the service conditions of employees working in vessels, shore-stations and survey parties under the Calcutta Port Commissioners, hereby directs that subject to the conditions hereinafter specified the provisions of sections 13 and 14 of the said Act shall not apply to the said employees for a further period of one year with effect from the 5th May, 1969.

2. The conditions referred to in paragraph 1 are the following, namely:—

(i) the Port Commissioner shall publish the said regulations in a pamphlet form in the English lanaguage and in the language or the languages understood by the majority of the employees;

(ii) before making any amendments to the aforesaid regulations, the Port Commissioners shall inform the employees concerned by notice, to be put up on the notice board of the Office of the Port Commissioner of the proposed amendment and shall consider any suggestions that may be made in respect thereof within twenty days of such notice; and

(iii) a copy of the pamphlet referred to in condition (i) above and a copy of every amendment thereto shall be supplied to each employee concerned.

[No. 8/2/69-LWI.(I)(WE).]

HANS RAJ CHHABRA, Under Secy.

(Department of Labour and Employment)

ORDER

New Delhi, the 8th August 1969

S.O. 3290.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Commissioners for the Port of Calcutta and their workmen in respect of the matters specified in the schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act

SCHEDULE

1. Whether the management of the Commissioners for the Port of Calcutta were justified in reverting Shri Baneswar Samaddar, Upper Division Clerk, under the Director, Marine Department to the post of Lower Division Clerk with effect from 20th October, 1967 and promoting in his place Shri Amarendra Nath Dutta, another Lower Division Clerk.
2. If not to what relief the employee is entitled to and whether he should be restored to his original position with seniority from 20th October, 1967.

[No. 28(20)/68-LRIII.]

C. RAMDAS, Under Secy.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 1st August 1969

S.O. 3291.—In exercise of the powers conferred by Sub-Section (i) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints Shri D. D. Purie. Assistant Settlement Officer in the office of the Regional Settlement Commissioner. New Delhi, as Asstt. Custodian for the Union Territory of Delhi; for the purpose of discharging the duties imposed on such officers by or under the said Act.

[No. 7/88/55-ARG(V-II).]

New Delhi, the 4th August 1969

S.O. 3292.—In exercise of the powers conferred by Sub-Section (I) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (No. 44 of 1954), the Central Government hereby appoints for the Union Territory of Delhi. Shri M. L. Sharma, Assistant Custodian in the office of the Regional Settlement Commissioner. New Delhi, as Managing Officer, for the custody, Management and disposal of compensation pool.

[No. 8/71/AGZ/65.]

S.O. 3293.—In exercise of the powers conferred by Sub-Section (I) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (No. 44 of 1954), the Central Government hereby appoints Shri M. L. Sharma, Assistant Custodian in the office of the Regional Settlement Commissioner, New Delhi, as Assistant Settlement Officer for the pu pose of performing the functions assigned to such officers by or under the said Act with immediate effect.

[No. 8/71/AGZ/65.]

A. G. VASWANI,

Settlement Commissioner (A) & *Ex-Officio* Under Secy.

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